



**The Meeting Transcript of
The Los Angeles County
Board of Supervisors**

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1

2

3 **SUP. YAROSLAVSKY, CHAIRMAN:** THE MEETING OF THE BOARD OF
4 SUPERVISORS FOR SEPTEMBER 11TH, 2007 IS NOW IN SESSION. I ASK
5 EVERYONE TO RISE FOR THE INVOCATION AND THE PLEDGE OF
6 ALLEGIANCE. THE INVOCATION WILL BE LED BY CAPTAIN RICHARD
7 BRANDT OF THE LONG BEACH FIRE DEPARTMENT, LOCAL NUMBER 372,
8 UNION PRESIDENT OF LOCAL NUMBER 372, ROSSMOOR. AND THE PLEDGE
9 OF ALLEGIANCE WILL BE LED BY JOE ROMO, VETERANS OF FOREIGN
10 WARS OF LOS ANGELES. AND, BEFORE WE HAVE THE INVOCATION AND
11 THE PLEDGE, I ASK THAT WE HAVE ONE MOMENT OF SILENCE. THIS IS
12 THE SIXTH ANNIVERSARY OF THE TRAGIC EVENTS OF SEPTEMBER 11TH,
13 2001, AND WE REMEMBER ALL THOSE WHO LOST THEIR LIVES, BOTH IN
14 THE BUILDING AS CITIZENS AND THE FIRST RESPONDERS. [SILENCE]

15

16 **SUP. YAROSLAVSKY, CHAIRMAN:** THANK YOU. CAPTAIN BRANDT

17

18 **SPEAKER:** GOOD MORNING AND THANK YOU. THANK YOU, SUPERVISOR
19 KNABE, FOR GIVING ME THE HONOR OF PRESENTING THIS INVOCATION
20 ON WHAT IS SUCH A SPECIAL, PERSONAL DAY FOR ME. PLEASE BOW
21 YOUR HEADS IN PRAYER. TODAY, SEPTEMBER 11TH, 2007, IS A DAY OF
22 REMEMBRANCE BUT MUCH MORE IMPORTANTLY IS A DAY FROM WHICH TO
23 MOVE FORWARD. WE MUST RECOMMIT OURSELVES TO BE A GREAT
24 COMMUNITY AND A GREAT NATION THAT IS OPEN TO NEW IDEAS, OPEN
25 TO NEW PEOPLE AND OPEN TO EACH OTHER. WE HONOR THE VICTIMS OF



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1 9/11, LOS ANGELES COUNTY, OUR COUNTRY AND THE WORLD WHEN WE
2 SEEK TO UNDERSTAND THE WORLD, PRACTICE TOLERANCE AND HUMANITY
3 AND WHEN WE PURSUE NOT ONLY KNOWLEDGE BUT ALSO THE
4 UNDERSTANDING THAT WILL THEN GUIDE OUR WORLD AROUND US. WE
5 ALSO HONOR THE MEMBERS OF OUR ARMED FORCES WHO DIED WHILE
6 FIGHTING FOR OUR FREEDOM AND WE ARE GRATEFUL FOR THOSE WHO
7 CONTINUE TO PROTECT OUR NATION AND THE WAY OF LIFE. ALMIGHTY
8 GOD, PLEASE GIVE US STRENGTH AND COURAGE TO THE MEN AND WOMEN
9 IN OUR PUBLIC SAFETY PROFESSIONS. GRANT THEM YOUR LOVE AND
10 PRESENCE IN THE HEART OF DANGER, SORROW, PAIN AND ANGUISH,
11 THAT THEY MAY CONTINUE TO FIND LIFE AND HOPE IN THE MIDST OF
12 DESTRUCTION. PLEASE GRANT TO THE LEADERS OF THIS GREAT COUNTY
13 THE WISDOM, COURAGE AND INSIGHT AT THIS TIME OF DARKNESS AND
14 FEAR. GIVE TO ALL WHO EXERCISE AUTHORITY A DETERMINATION TO
15 DEFEND THE PRINCIPLES OF FREEDOM, LOVE AND TOLERANCE, THE
16 STRENGTH TO PROTECT AND SAFEGUARD THE INNOCENT AND CLARITY OF
17 VISION TO GUIDE THE COUNTY INTO THE PATHS OF JUSTICE AND
18 PEACE. SIX YEARS AGO TODAY, 2,974 PEOPLE DIED, INCLUDING
19 PASSENGERS ON PLANES, WORKERS IN THE WORLD TRADE CENTER AND
20 THE PENTAGON, FIREFIGHTERS, POLICE OFFICERS, PORT OFFICERS AND
21 PEOPLE ON THE GROUND IN NEW YORK CITY. DURING THIS DAY OF
22 PRAYER AND REMEMBRANCE, LET US REFLECT ON ALL THAT WE HAVE
23 LOST AND TAKE COMFORT IN EACH OTHER AND IN THE GRACE AND MERCY
24 OF OUR CREATION. MAY GOD GUIDE US, GIVE US STRENGTH AND WISDOM



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1 AND MAY HE CONTINUE TO BLESS OUR GREAT NATION. IN YOUR GREAT
2 NAME WE PRAY, AMEN.

3

4 **JOE ROMO:** WOULD YOU PLEASE FACE THE AMERICAN FLAG FOR THE
5 PLEDGE OF ALLEGIANCE AND REPEAT AFTER ME. [PLEDGE OF
6 ALLEGIANCE]

7

8 **SUP. YAROSLAVSKY, CHAIRMAN:** SUPERVISOR KNABE?

9

10 **SUP. KNABE:** THANK YOU, MR. CHAIRMAN. MEMBERS OF THE BOARD,
11 LADIES AND GENTLEMEN. I'D LIKE TO JUST TAKE A MOMENT TO
12 PRESENT THIS CERTIFICATE OF APPRECIATION AND THANK FIRE
13 CAPTAIN RICHARD BRANDT FOR THAT WONDERFUL INVOCATION THIS
14 MORNING. AS WAS MENTIONED, RICH IS PRESIDENT OF THE LONG BEACH
15 FIREFIGHTERS' INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL
16 372. HE HAS BEEN WITH THE LONG BEACH FIRE DEPARTMENT SINCE
17 1993. PRIOR TO RELOCATING TO CALIFORNIA, RICH STARTED HIS
18 CAREER IN NEW YORK AND WAS A FIREFIGHTER AT MANHATTAN'S 51ST
19 STREET AND LEXINGTON AVENUE FIREHOUSE. DURING THE ATTACKS OF
20 9/11, RICH LOST MANY CLOSE FRIENDS, 10 FIREFIGHTERS, TWO OF
21 HIS CAPTAINS WHO WORKED WITH HIM DURING HIS CAREER IN NEW
22 YORK. RICH TRAVELED TO NEW YORK CITY AFTER THE ATTACKS TO HELP
23 DIG AT GROUND ZERO. IT WAS A LIFE-CHANGING EXPERIENCE FOR HIM
24 AND ONE HE WILL NEVER FORGET. HE'S VERY PROUD OF THE LONG
25 BEACH FIREFIGHTERS AND THEIR FUNDRAISING EFFORTS. IT WAS ALSO



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1 A LIFE-CHANGING EXPERIENCE FOR 45 FIREFIGHTERS AND THEIR
2 FAMILIES WHO TRAVELED AT THEIR OWN EXPENSE TO ASSIST THE
3 FAMILIES OF ENGINE 8 AND LADDER 2. RICH IS COMMITTED TO NEVER
4 FORGETTING THE SACRIFICE AND BRAVERY OF THESE HEROES, AS WE
5 ALL ARE, AND TO CONTINUE TO INSTILL WITHIN THE CREWS OF THE
6 LONG BEACH FIRE DEPARTMENT WHAT HE LEARNED FROM THESE VERY
7 BRAVE FIREFIGHTERS. SO, RICH, WE THANK YOU FOR TAKING TIME TO
8 COME DOWN ON THIS VERY SPECIAL DAY FOR ALL OF US AND ONE OF
9 GREAT REMEMBRANCE AND TO THANK YOU PERSONALLY FOR LEADING IN
10 WHAT WAS A MAGNIFICENT INVOCATION. THANK YOU, CAPTAIN. [
11 APPLAUSE]

12

13 **SUP. YAROSLAVSKY, CHAIRMAN:** SUPERVISOR BURKE?

14

15 **SUP. BURKE:** WE'RE VERY PLEASED TO HAVE JOE ROMO HERE WITH US
16 TODAY AS OUR PLEDGE VETERAN. HE'S FROM AM.VETS POST NO. 2 IN
17 CULVER CITY. HE SERVED IN THE MILITARY FROM 1970 TO '74 AS A
18 STAFF SERGEANT IN THE U.S. AIR FORCE. HE WAS A MEMBER OF THE
19 ALPHA TEAM AIR FORCE COMMANDER. HE WAS SERVED IN VIETNAM. HE
20 WAS IN THE EASTER OFFENSIVE. HE'S RECEIVED THE U.S. AIR FORCE
21 OUTSTANDING UNIT AWARD WITH THREE CLUSTERS, NATIONAL DEFENSE
22 SERVICE MEDAL, VIETNAM SERVICE RIBBON WITH TWO BRONZE STARS.
23 HE IS PRESENTLY A SERVICE OFFICER WITH AM.VETS AND HIS COLLEGE
24 WAS CAL STATE UNIVERSITY, LOS ANGELES. WE'RE VERY PLEASED TO
25 HAVE HIM HERE, PART OF THE CULVER CITY AM.VETS. [APPLAUSE]



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1

2 **SUP. YAROSLAVSKY, CHAIRMAN:** THANK YOU. SACHI, WE'LL PROCEED
3 WITH THE AGENDA.

4

5 **CLERK SACHI HAMAI:** GOOD MORNING, MR. CHAIRMAN, MEMBERS OF THE
6 BOARD. WE WILL BEGIN TODAY'S AGENDA ON PAGE 3, AGENDA FOR THE
7 MEETING OF THE SANITATION DISTRICTS NUMBERS 27 AND 35. ITEMS 1
8 THROUGH 3?

9

10 **SUP. YAROSLAVSKY, CHAIRMAN:** ANTONOVICH MOVES, BURKE SECONDS,
11 WITHOUT OBJECTION, UNANIMOUS VOTE.

12

13 **CLERK SACHI HAMAI:** AGENDA FOR THE MEETING OF THE COMMUNITY
14 DEVELOPMENT COMMISSION, ITEMS 1-D THROUGH 4-D. AND, ON ITEM 3-
15 D, SUPERVISOR KNABE REQUESTS THAT THIS ITEM BE CONTINUED TWO
16 WEEKS TO SEPTEMBER 25TH, 2007.

17

18 **SUP. YAROSLAVSKY, CHAIRMAN:** THREE OR TWO?

19

20 **CLERK SACHI HAMAI:** TWO.

21

22 **SUP. YAROSLAVSKY, CHAIRMAN:** TWO WEEKS ON 1-D, 2-D, KNABE
23 MOVES, MOLINA SECONDS, WITHOUT OBJECTION AND UNANIMOUS VOTE.

24

25 **CLERK SACHI HAMAI:** ALSO 4-D.



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1

2 **SUP. YAROSLAVSKY, CHAIRMAN:** AND 4-D, KNABE MOVES, MOLINA
3 SECONDS, UNANIMOUS VOTED.

4

5 **CLERK SACHI HAMAI:** AGENDA FOR THE MEETING OF THE HOUSING
6 AUTHORITY, ITEM 1-H.

7

8 **SUP. YAROSLAVSKY, CHAIRMAN:** MOLINA MOVES, BURKE SECONDS,
9 UNANIMOUS VOTE.

10

11 **CLERK SACHI HAMAI:** AGENDA FOR THE MEETING OF THE REGIONAL
12 PARKS AND OPEN SPACE DISTRICT ITEM 1-P.

13

14 **SUP. YAROSLAVSKY, CHAIRMAN:** KNABE MOVES, BURKE SECONDS,
15 UNANIMOUS VOTE.

16

17 **CLERK SACHI HAMAI:** BOARD OF SUPERVISORS ITEMS 1 THROUGH 12. ON
18 ITEM NUMBER 5, THERE IS A REQUEST FROM A MEMBER OF THE PUBLIC
19 TO HOLD THIS ITEM. AND, ON ITEM NUMBER 8, THIS RECOMMENDATION
20 INCLUDES THE REVISIONS AS INDICATED ON THE SUPPLEMENTAL
21 AGENDA.

22

23 **SUP. YAROSLAVSKY, CHAIRMAN:** ANTONOVICH MOVES, BURKE SECONDS.
24 WITHOUT OBJECTION, UNANIMOUS VOTE.

25



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1 **CLERK SACHI HAMAI:** CONSENT CALENDAR, ITEMS 13 THROUGH 41. ON
2 ITEM NUMBER 14, SUPERVISOR ANTONOVICH REQUESTS THAT THIS ITEM
3 BE CONTINUED ONE WEEK TO SEPTEMBER 18TH, 2007.

4

5 **SUP. YAROSLAVSKY, CHAIRMAN:** WITHOUT OBJECTION, THAT WILL BE
6 THE ORDER.

7

8 **CLERK SACHI HAMAI:** ON ITEM 17, SUPERVISOR MOLINA REQUESTS THAT
9 THIS ITEM BE HELD. ON ITEM NUMBER 23...

10

11 **SUP. YAROSLAVSKY, CHAIRMAN:** I'M SORRY, WHICH ONE? 16?

12

13 **CLERK SACHI HAMAI:** ITEM 17. ON ITEM 23, AS INDICATED ON THE
14 SUPPLEMENTAL AGENDA, THIS ITEM WILL BE REMOVED FROM THE
15 CONSENT CALENDAR AND HELD FOR DISCUSSION. ON ITEM 25, THERE'S
16 A REQUEST FROM MEMBERS OF THE PUBLIC TO HOLD THIS ITEM. ON
17 ITEM NUMBER 34 AND 35, SUPERVISOR MOLINA REQUESTS THAT THESE
18 ITEMS BE HELD. AND, ON ITEM 37, THERE'S A REQUEST FROM A
19 MEMBER OF THE PUBLIC TO HOLD THIS ITEM. THE REST ARE BEFORE
20 YOU.

21

22 **SUP. KNABE:** WHAT WAS THE LAST ONE? 37?

23

24 **CLERK SACHI HAMAI:** YES.

25



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1 **SUP. YAROSLAVSKY, CHAIRMAN:** OKAY. YES, 17 IS BEING HELD. ON
2 THE REMAINDER, BURKE MOVES, MOLINA SECONDS, WITHOUT OBJECTION,
3 UNANIMOUS VOTE.

4

5 **CLERK SACHI HAMAI:** WE ARE NOW ON PAGE 20. UNDER DISCUSSION
6 ITEMS, ITEMS 42 THROUGH 47. ON ITEM 42, THE CHIEF EXECUTIVE
7 OFFICER REQUESTS THAT THIS ITEM BE CONTINUED ONE WEEK TO
8 SEPTEMBER 18TH, 2007.

9

10 **SUP. YAROSLAVSKY, CHAIRMAN:** WITHOUT OBJECTION, THAT'LL BE THE
11 ORDER.

12

13 **CLERK SACHI HAMAI:** ON ITEM 44, AS INDICATED ON THE
14 SUPPLEMENTAL AGENDA, THE DIRECTOR OF PUBLIC SOCIAL SERVICES
15 REQUESTS THAT THIS ITEM BE CONTINUED TWO WEEKS TO SEPTEMBER
16 25TH, 2007. AND THERE'S ALSO A REQUEST FROM A MEMBER OF THE
17 PUBLIC TO HOLD THIS ITEM.

18

19 **SUP. YAROSLAVSKY, CHAIRMAN:** I'M SORRY. WHO IS ASKING THAT THIS
20 BE CONTINUED? THE DIRECTOR OF D.P.S.S.?

21

22 **CLERK SACHI HAMAI:** THE DIRECTOR OF-- CORRECT, D.P.S.S.
23 REQUESTS THE CONTINUANCE FOR TWO WEEKS.

24



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1 **SUP. YAROSLAVSKY, CHAIRMAN:** WHY DON'T WE HOLD THAT? I'D LIKE
2 TO FIND OUT WHAT THAT HOLD IS ABOUT. ITEM 43...

3

4 **CLERK SACHI HAMAI:** 44.

5

6 **SUP. YAROSLAVSKY, CHAIRMAN:** I'M SORRY. I THOUGHT YOU WERE ON
7 43. WHAT DID YOU DO ON 43?

8

9 **CLERK SACHI HAMAI:** I DIDN'T DO ANYTHING ON 43. 43 WILL BE HELD
10 FOR DISCUSSION. ITEM 44, THE DIRECTOR IS ASKING FOR IT TO BE
11 CONTINUED TWO WEEKS BUT THERE IS ALSO A MEMBER OF THE PUBLIC
12 THAT WOULD LIKE TO HOLD THIS ITEM.

13

14 **SUP. YAROSLAVSKY, CHAIRMAN:** ALL RIGHT. WE WILL HOLD IT SO THAT
15 HE CAN BE HEARD THEN AND WE WILL CONTINUE IT. IT IS OUR INTENT
16 TO CONTINUE IT.

17

18 **CLERK SACHI HAMAI:** OKAY. AND THEN, ON ITEM 45, WE WILL HOLD
19 THAT FOR A REPORT. ON ITEM 46, AS INDICATED ON THE
20 SUPPLEMENTAL AGENDA, THE CHIEF EXECUTIVE OFFICER REQUESTS THAT
21 THIS ITEM BE CONTINUED FOUR WEEKS TO OCTOBER 9TH, 2007. AND,
22 ON ITEM 47, WE WILL HOLD THAT FOR THE PUBLIC HEARING. IF WE
23 COULD GO BACK IN THE AGENDA, ON ITEM NUMBER 20, SUPERVISOR
24 MOLINA WOULD LIKE TO BE RECORDED AS A NO VOTE.

25



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1 **SUP. YAROSLAVSKY, CHAIRMAN:** ALL RIGHT.

2

3 **CLERK SACHI HAMAI:** OH, I'M SORRY. EXCUSE ME. IT'S SUPERVISOR
4 ANTONOVICH.

5

6 **SUP. YAROSLAVSKY, CHAIRMAN:** ITEM 20?

7

8 **CLERK SACHI HAMAI:** ON ITEM 20.

9

10 **SUP. YAROSLAVSKY, CHAIRMAN:** SO MOLINA MOVES, KNABE SECONDS,
11 MOTION TO RECONSIDER, WITHOUT OBJECTION, IT'S RECONSIDERED.
12 AND WITHOUT OBJECTION, WITH MR. ANTONOVICH VOTING NO, THE VOTE
13 WILL BE 4 TO 1 ON ITEM NUMBER 20.

14

15 **CLERK SACHI HAMAI:** THANK YOU. AND THEN ON PAGE 24, UNDER
16 NOTICES OF CLOSED SESSION, ON ITEM C.S.-5 WHICH WAS POSTED ON
17 THE SUPPLEMENTAL AGENDA, THERE IS A REQUEST FROM A MEMBER OF
18 THE PUBLIC TO HOLD THIS ITEM. AND THAT COMPLETES THE READING
19 OF THE AGENDA. BOARD OF SUPERVISORS SPECIAL ITEMS BEGIN WITH
20 SUPERVISORIAL DISTRICT NO. 5.

21

22 **SUP. YAROSLAVSKY, CHAIRMAN:** ALL RIGHT. BEFORE WE GET TO THE
23 PRESENTATIONS, I WANT TO GO BACK TO THESE HOLDS.

24

25 **CLERK SACHI HAMAI:** SURE.



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1

2 **SUP. YAROSLAVSKY, CHAIRMAN:** ITEM 46 HAS BEEN CONTINUED 'TIL
3 OCTOBER 9TH?

4

5 **CLERK SACHI HAMAI:** ITEM 46, CORRECT. AND ITEM 47 WE WILL HOLD
6 FOR A PUBLIC HEARING.

7

8 **SUP. YAROSLAVSKY, CHAIRMAN:** OKAY. MR. ANTONOVICH?

9

10 **SUP. ANTONOVICH:** MR. CHAIRMAN AND MEMBERS, IT'S A PLEASURE TO
11 WELCOME SHARON RAGHAVACHARY, WHO IS ALSO A MEMBER OF A LA
12 CRESCENTA VALLEY TOWN COUNCIL, SHARON, HER SON, JOSH, DR.
13 JONATHAN FIELDING, WHO IS OUR DIRECTOR OF PUBLIC HEALTH, AND
14 DR. JOHN CHERNOF, OUR CHIEF DEPUTY, AS WE DECLARE THE MONTH OF
15 SEPTEMBER AS HYDROCEPHALUS AWARENESS MONTH THROUGHOUT OUR
16 COUNTY OF LOS ANGELES. SHARON'S YOUNG SON, JOSH, WAS DIAGNOSED
17 WITH THIS AT SEVEN MONTHS OF AGE AND SHARON AND HER FAMILY
18 HAVE SHOWN GREAT COURAGE TO RAISE AWARENESS ABOUT THIS, THE
19 CONDITION. ONE OR TWO IN EVERY 1,000 BABIES ARE BORN WITH THIS
20 HYDROCEPHALUS AND OVER 375,000 OLDER AMERICANS HAVE THIS,
21 WHICH OFTEN GOES UNDETECTED OR IS MISDIAGNOSED AS ALZHEIMER'S
22 DISEASE OR PARKINSON'S DISEASE. THE STANDARD TREATMENT WAS
23 DEVELOPED BACK IN 1952 AND CARRIES MULTIPLE RISKS, INCLUDING
24 SHUNT FAILURE, INFECTION AND OVER DRAINAGE. THERE ARE FEWER
25 THAN 10 CENTERS IN THE UNITED STATES SPECIALIZING IN THE



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1 TREATMENTS OF ADULTS WITH NORMAL PRESSURE OF HYDROCEPHALUS AND
2 EACH YEAR THE PEOPLE OF THE UNITED STATES SPEND IN EXCESS OF
3 \$1 BILLION TO TREAT THIS DISEASE. SO, WITH APPROPRIATE
4 DIAGNOSIS AND TREATMENT, PEOPLE WITH HYDROCEPHALUS ARE ABLE TO
5 LIVE A FULL AND PRODUCTIVE LIFE. SO, AT THIS TIME, LET ME MAKE
6 THIS PROCLAMATION.

7

8 **SHARON RAGHAVACHARY:** THANK YOU, SUPERVISOR ANTONOVICH. WE
9 REALLY APPRECIATE-- I'M, ON BEHALF OF THE HYDROCEPHALUS
10 ASSOCIATION, ACCEPTING THIS PROCLAMATION. JOSHUA, AS THE
11 SUPERVISOR SAID, WAS DIAGNOSED AT SEVEN MONTHS. HE'S HAD TWO
12 SURGERIES. WE ALSO KNOW THAT THIS CONDITION COULD DETERIORATE
13 AT ANY TIME. HE COULD BE A TICKING TIME BOMB. SO WE KNOW HE'S
14 GOING TO HAVE MORE SURGERIES AS HE GROWS. WITH EACH SURGERY,
15 THERE'S THE RISK OF BRAIN DAMAGE AND INFECTION. SO WE REALLY
16 APPRECIATE GETTING THE WORD OUT THAT HYDROCEPHALUS IS A
17 CONDITION THAT NEEDS TO BE BROUGHT TO THE FOREFRONT AND HAVE
18 MORE AWARENESS. THANK YOU VERY MUCH.

19

20 **DR. JONATHAN FIELDING:** THANK YOU. THANK YOU VERY MUCH FOR
21 BEING HERE. AS A PEDIATRICIAN, I KNOW HYDROCEPHALUS IS A
22 PROBLEM THAT WE NEED TO MAKE SURE IS DIAGNOSED AS EARLY AS
23 POSSIBLE. THE EARLIER DIAGNOSIS, THE BETTER. AND IT IS A
24 CHRONIC PROBLEM. SO WE'RE FORTUNATE TO HAVE GREAT CARE WITHIN
25 LOS ANGELES COUNTY FOR THIS VERY IMPORTANT PROBLEM THAT



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1 AFFECTS A LOT OF FAMILIES IN LOS ANGELES COUNTY. THANK YOU
2 VERY MUCH, SUPERVISOR. [APPLAUSE]

3

4 **SUP. ANTONOVICH:** NOW WE HAVE A LITTLE 12-WEEK OLD CHIHUAHUA
5 MIX. HER NAME IS HOPE AND HOPE'S LOOKING FOR A PLACE TO LIVE,
6 LOOKING FOR A HOME. SO ANYBODY WHO WOULD LIKE TO ADOPT HOPE,
7 YOU CAN CALL 562-728-4644. ANYBODY IN THE AUDIENCE WHO WOULD
8 LIKE TO ADOPT HOPE, HOPE WOULD LIKE TO BRING YOU A LOT OF JOY
9 AND LAUGHTER AND LOVE. OKAY. HOW ARE YOU DOING? LITTLE
10 CHIHUAHUA BUT I DON'T KNOW HOW HE GOT THE EARS. [LAUGHTER]

11

12 **SUP. YAROSLAVSKY, CHAIRMAN:** ALL RIGHT. I THINK I'M UP NEXT. DO
13 YOU HAVE ONE? SUPERVISOR BURKE, DO YOU HAVE ANYTHING?

14

15 **SUP. BURKE:** I HAVE NO PRESENTATIONS.

16

17 **SUP. YAROSLAVSKY, CHAIRMAN:** OKAY. CAN I JUST ASK THAT ITEM 14
18 BE RECONSIDERED AND HELD? AND MAYBE I CAN GET MR. ANTONOVICH'S
19 QUESTIONS ANSWERED. I DON'T KNOW. IF WE CAN'T, WE'LL CONTINUE
20 IT BUT WE'LL AT LEAST GIVE IT A SHOT. ITEM 14 IS A CHILDCARE
21 CENTER. I THINK YOU HELD IT. I'LL TALK TO YOU ABOUT IT.

22 WITHOUT OBJECTION, IT'S RECONSIDERED AND WE'RE HOLDING ITEM

23 14. CAN I CALL MARSHA MAYEDA UP? MARSHA IS GOING TO BE

24 ACCEPTING THIS PROCLAMATION REALLY CALLING ATTENTION TO THE

25 2007 "NATIONAL SHIRE HORSE SHOW", WHICH WILL TAKE PLACE AT THE



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1 LOS ANGELES COUNTY FAIR BETWEEN SEPTEMBER 26TH AND 30TH. THE
2 SHIRE HORSE ALMOST REACHED THE POINT OF EXTINCTION IN THE MID-
3 1900S AND IS CURRENTLY LISTED AS AT RISK BY BRITAIN'S RARE
4 BREED SURVIVAL TRUST. IT'S ON THE WATCH LIST OF AMERICAN
5 LIVESTOCK BREED'S CONSERVANCY. THE GUINNESS BOOK OF WORLD
6 RECORDS IS CURRENTLY EVALUATING THE SHIRE HORSE TO BE
7 OFFICIALLY NAMED THE LARGEST HORSE IN THE WORLD, REACHING OVER
8 19 HANDS HIGH AND WEIGHING OVER 2,000 POUNDS. IT HAS PLAYED AN
9 IMPORTANT ROLE IN HUMAN HISTORY AS A MOUNT FOR KNIGHTS IN
10 MEDIEVAL TIMES, FOR USE IN AGRICULTURE AND FOR HEAVY HAULING
11 IN THE DAYS BEFORE MECHANIZATION. THE AMERICAN SHIRE HORSE
12 ASSOCIATION WAS FORMED IN 1885 AND HAS WORKED DILIGENTLY TO
13 SAVE AND PROMOTE THIS MAGNIFICENT BREED. FRANK BIXBY OF RANCHO
14 LOS ALAMEDAS IN LONG BEACH WAS ONE OF THE COUNTRY'S FIRST
15 IMPORTERS OF THESE HORSES AND DEVELOPED AN IMPORTANT SHIRE
16 BLOOD LINE IN THE UNITED STATES. THE 2007 NATIONAL SHIRE HORSE
17 SHOW WILL BE HELD IN CONJUNCTION WITH THE LOS ANGELES
18 INTERNATIONAL DRAFT HORSE, MULE AND PLEASURE DRIVING SHOW AT
19 THE L.A. COUNTY FAIR GROUNDS FROM SEPTEMBER 26TH THROUGH THE
20 30TH OF THIS YEAR. IT'S THE FIRST TIME THAT THIS HAS EVER
21 HAPPENED, THAT THE SHIRE HORSE SHOW WILL TAKE PLACE IN LOS
22 ANGELES. SO THE BOARD OF SUPERVISORS WANTED TO TAKE THIS
23 OPPORTUNITY TO URGE ALL RESIDENTS OF LOS ANGELES COUNTY WHO
24 HAVE ANY KIND OF A REMOTE INTEREST IN THE SHIRE HORSE OR WANT
25 TO PIQUE THEIR INTEREST IN THE SHIRE HORSE, URGE THEM TO



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1 ATTEND THE 2007 NATIONAL SHIRE HORSE SHOW RIGHT HERE IN OUR
2 OWN COUNTY FAIR FROM SEPTEMBER 26TH TO THE 30TH SO THEY CAN
3 SEE AND WITNESS THE MAJESTY OF THIS VERY RARE BREED OF HORSE.
4 AND ACCEPTING IS THE DIRECTOR OF OUR ANIMAL CONTROL DEPARTMENT
5 FOR THE COUNTY OF LOS ANGELES, MARSHA MAYEDA. MARSHA? [
6 APPLAUSE]

7

8 **SUP. YAROSLAVSKY, CHAIRMAN:** DO YOU WANT TO SAY A WORD?

9

10 **MARSHA MAYEDA:** THANK YOU, SUPERVISOR, I'M HAPPY TO ACCEPT THIS
11 ON BEHALF OF THE AMERICAN SHIRE HORSE ASSOCIATION. ONE OF
12 THEIR BOARD MEMBERS WHO WAS TO BE HERE TO ACCEPT THIS WAS
13 UNEXPECTEDLY CALLED AWAY OUT OF THE COUNTRY BUT WE DO WANT TO
14 ENCOURAGE ANYBODY WHO IS INTERESTED IN SEEING THESE ANIMALS TO
15 ATTEND THE COUNTY FAIR AND WITNESS THEM IN PERSON. THEY'RE
16 REALLY MAGNIFICENT AND WE BELIEVE EVERYBODY WOULD BE REALLY
17 INTERESTED IN SEEING THESE ANIMALS IN PERSON. THANK YOU. [
18 APPLAUSE]

19

20 **SUP. YAROSLAVSKY, CHAIRMAN:** THANK YOU. NEXT, I'D LIKE TO ASK
21 DR. FIELDING TO COME UP AND JEN FIOK AND BARBARA SPIEL, AND
22 SHEILA WILSON, LILLIAN MACIA, EDDIE WINTERS, ROSE WATLEY AND
23 CANDY CARGIL- FULLER. THEY ALL HERE? IF YOU'RE HERE, COME ON
24 DOWN. THIS IS A PROCLAMATION FOR NATIONAL ALCOHOL DRUG
25 ADDICTION RECOVERY MONTH SEPTEMBER 2007. 22.2 MILLION PEOPLE



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1 IN THE UNITED STATES HAVE FACED A SUBSTANCE USE DISORDER IN
2 THE PAST YEAR AND ALL OF THEM DESERVE TO EXPERIENCE THE MANY
3 BENEFITS OF RECOVERY. TREATMENT REDUCES REPORTED JOB PROBLEMS,
4 INCLUDING INCOMPLETE WORK AND ABSENTEEISM, BY AN AVERAGE OF 75
5 PERCENT. TREATMENT IS COST-EFFECTIVE WITH SOME MEASUREMENTS
6 SHOWING A BENEFIT TO COST RATIO OF UP TO 7:1. WITH SUBSTANCE
7 ABUSE DISORDER TREATMENT COSTING \$1,583 PER PERSON ON AVERAGE,
8 IT HAS A MONETARY BENEFIT TO SOCIETY OF NEARLY \$11,487 FOR
9 EACH PERSON TREATED. WE MUST RECOGNIZE THE FINANCIAL SAVINGS
10 ASSOCIATED WITH TREATMENT AND ENSURE THAT SUCH SERVICES ARE
11 READILY AVAILABLE. THE COST AND INSURANCE BARRIERS PRESENT
12 OBSTACLES TO THOSE WHO NEED ACCESS TO FACILITIES AND WANT TO
13 RE-ESTABLISH THEIR PLACE IN THE COMMUNITY. IT'S CRITICAL THAT
14 WE EDUCATE OUR OWN COMMUNITY MEMBERS AND LOCAL BUSINESSES THAT
15 SUBSTANCE ABUSE DISORDERS ARE A TREATABLE YET SERIOUS
16 HEALTHCARE PROBLEM. AND, BY TAKING STEPS TO ADDRESS IT AS WELL
17 AS PROVIDE SUPPORT FOR THE FAMILIES AND CHILDREN OF THOSE WITH
18 THESE DISORDERS, WE CAN SAVE BOTH LIVES AND DOLLARS. TO HELP
19 ACHIEVE THIS GOAL, THE UNITED STATES DEPARTMENT OF HEALTH AND
20 HUMAN SERVICES, THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES
21 ADMINISTRATION, THE WHITE HOUSE OFFICE OF NATIONAL DRUG
22 CONTROL POLICY AND THE LOS ANGELES COUNTY RECOVERY MONTH
23 PLANNING PARTNERS INVITE ALL RESIDENTS TO PARTICIPATE IN
24 NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH. THIS
25 MONTH, SEPTEMBER, 2007. SO THE BOARD OF SUPERVISORS THEREFORE



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1 RESOLVES THAT SEPTEMBER 2007 BE DECLARED NATIONAL ALCOHOL AND
2 DRUG ADDICTION RECOVERY MONTH IN THE COUNTY OF LOS ANGELES AND
3 CALLS UPON THE PEOPLE OF THIS COUNTY TO PARTICIPATE IN
4 APPROPRIATE PROGRAMS, ACTIVITIES AND CEREMONIES SUPPORTING
5 THIS YEAR'S THEME. THE THEME IS "JOIN THE VOICES FOR RECOVERY,
6 SAVING LIVES, SAVING DOLLARS." AND IT'S SIGNED BY ALL FIVE
7 MEMBERS OF THE BOARD. SO, JONATHAN, IF YOU'LL ACCEPT THIS. [
8 APPLAUSE] [LOUD CHEERING AND APPLAUSE]

9

10 **SUP. YAROSLAVSKY, CHAIRMAN:** OKAY. SPEAKING FOR THE DELEGATION
11 HERE, AND WE HAVE QUITE A BIG AND BOISTEROUS DELEGATION IS...
12 [APPLAUSE AND LAUGHTER]

13

14 **SUP. YAROSLAVSKY, CHAIRMAN:** AND WE'RE GLAD TO HAVE YOU HERE,
15 IS JENNIFER. JENNIFER, COME ON UP.

16

17 **JENNIFER:** THE L.A. PLANNING PARTNERS WOULD LIKE TO THANK THE
18 BOARD OF SUPERVISORS FOR ACKNOWLEDGING RECOVERY AND RECOVERING
19 INDIVIDUALS AND DECLARING SEPTEMBER NATIONAL RECOVERY MONTH.
20 THIS IS THE 18TH YEAR IN LOS ANGELES COUNTY. THE L.A. PLANNING
21 PARTNERS WOULD LIKE TO INVITE EVERYONE TO ATTEND AND
22 PARTICIPATE IN THE RALLY FOR RECOVERY THAT WILL BE TAKING
23 PLACE IN THE MALL AREA BEHIND THE BOARD OF SUPERVISORS
24 BUILDING FROM 11 TO 2 P.M. ON WEDNESDAY, SEPTEMBER 12,
25 TOMORROW. L.A. PLANNING PARTNERS WOULD ALSO LIKE TO THANK THE



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1 BOARD OF SUPERVISORS AND DR. FIELDING FOR SPONSORING THE RALLY
2 FOR RECOVERY AND MAKING IT POSSIBLE TO AID US IN OUR GOALS TO
3 SHOW THAT ADDICTION IS TREATABLE, TREATMENT WORKS AND WE ARE
4 SAVING LIVES AND SAVING DOLLARS IN LOS ANGELES COUNTY. I WOULD
5 PERSONALLY LIKE TO THANK SUPERVISOR YAROSLAVSKY. MR.
6 YAROSLAVSKY, I'M STARTING TO GET EMOTIONAL, OVER 10 YEARS AGO,
7 YOU HONORED ME-- EXCUSE ME (CRYING)-- YOU HONORED ME WITH A
8 DETERMINATION AWARD AT THE WEST SIDE SHELTER AND HUNGER
9 COALITION CELEBRATING SUCCESS AWARDS BREAKFAST. I UTILIZED THE
10 PROGRAMS OF LOS ANGELES COUNTY AND CONTINUE TO STAND BEFORE
11 YOU WITH MULTIPLE YEARS OF RECOVERY AS A MEMBER OF THE LOS
12 ANGELES COUNTY PLANNING PARTNERS, THE PROGRAM DIRECTOR FOR THE
13 ALCOHOL DRUG COUNCIL HIKING PROJECT AND A RECOVERING
14 INDIVIDUAL. TREATMENT AND INVESTING IN OUR COMMUNITY WORKS.
15 THANK YOU. [APPLAUSE AND CHEERS]

16

17 **DR. JONATHAN FIELDING:** WELL, THIS IS A VERY IMPORTANT DAY. YOU
18 HAVE SOMETHING YOU WANT TO UNVEIL? WELL, THIS IS A VERY
19 IMPORTANT DAY AND IT RECOGNIZES WHAT MANY OF US IN PUBLIC
20 HEALTH KNOW, THAT SUBSTANCE ABUSE IS OUR NUMBER ONE HEALTH
21 PROBLEM. AND WE ALSO KNOW IT'S A CHRONIC DISEASE. IT'S NOT
22 SOMETHING YOU TREAT AND IT GOES AWAY. IT'S SOMETHING THAT
23 TAKES THE PEOPLE WHO ARE HERE TODAY TO SAY, YOU KNOW WHAT? I
24 DON'T WANT THIS ANY MORE TO BE ON MY SHOULDERS. I WANT TO BE
25 FREE OF THESE ADDICTIONS. AND THAT'S WHAT EACH OF YOU ARE AND



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1 IT'S APPROPRIATE TODAY BECAUSE IT'S THE DAY WHEN WE THINK OF
2 HEROES. AND WE ARE CELEBRATING THE HEROISM OF A NUMBER OF
3 PEOPLE IN 9/11 BUT EACH OF YOU HERE TODAY AND EACH OF YOU WHO
4 IS RECOVERING IS A HERO. SO CONGRATULATIONS AND KEEP UP THE
5 WONDERFUL FIGHT. [APPLAUSE AND CHEERS]

6

7 **SUP. YAROSLAVSKY, CHAIRMAN:** ALL RIGHT. WE HAVE PUTTING OUR
8 JOHN HANCOCKS ON THE BANNER. GLORIA? AND WE'RE ALL VERY
9 HONORED TO HAVE YOU ALL HERE. AND WE'LL SEE YOU TOMORROW OUT
10 ON THE MALL, AT THE DODGER GAME ON SEPTEMBER 26TH AND ALL
11 KINDS OF OTHER PLACES. [APPLAUSE AND CHEERS]

12

13 **SUP. YAROSLAVSKY, CHAIRMAN:** SUPERVISOR KNABE?

14

15 **SUP. KNABE:** THANK YOU, MR. CHAIRMAN, MEMBERS OF THE BOARD, I'D
16 LIKE TO ASK RAMON RODRIGUEZ TO PLEASE JOIN ME UP HERE. RAMON
17 IS THE CHAIRMAN OF THE LOS ANGELES VETERANS ADVISORY
18 COMMISSION. MR. RODRIGUEZ IS A RETIRED ARMY SPECIAL FORCES
19 COMMAND SERGEANT MAJOR AND HAS BEEN AWARDED THREE SILVER
20 STARS, THREE BRONZE MEDALS, FIVE PURPLE HEARTS, IN ADDITION TO
21 MANY OTHER MILITARY DECORATIONS. ON SEPTEMBER 11TH, 2001, THE
22 UNITED STATES OF AMERICA WAS SAVAGELY ATTACKED WITHOUT
23 WARNING. TERRORISTS SHOOK US FROM OUR EARLY MORNING ROUTINE AS
24 THEY VIOLENTLY AND INDISCRIMINATELY KILLED THOUSANDS OF
25 INNOCENT VICTIMS. WE WILL NEVER FORGET THAT MORNING. I'M SURE



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1 WE ALL CAN REMEMBER WHERE WE WERE OR THE FACES OF THOSE THAT
2 WE LOST, OUR LOVED ONES, OUR FRIENDS, OUR COLLEAGUES, OUR
3 FELLOW CITIZENS. ALMOST 3,000 LIVES WERE LOST AND MANY OTHERS
4 WERE INJURED IN THE ATTACKS AND EFFORTS TO RESCUE THE
5 SURVIVORS. TODAY, WE SALUTE THE BRAVE MEMBERS OF THE ARMED
6 FORCES GALLANTLY COMBATING GLOBAL TERRORISM AND HONOR THOSE
7 WHO CONTINUE TO DEFEND OUR FREEDOM AGAINST TYRANNY. SO, ON
8 BEHALF OF MY COLLEAGUES AND THE BOARD AND THE 10 MILLION
9 RESIDENTS OF LOS ANGELES COUNTY, WE'D LIKE TO PRESENT THIS
10 SCROLL TO RAMON AND TO THE MEMBERS OF THE LOS ANGELES VETERANS
11 ADVISORY COMMISSION PROCLAIMING SEPTEMBER 11TH, 2007 AS
12 "PATRIOT DAY" THROUGHOUT THIS COUNTY AND URGE ALL AMERICANS TO
13 PARTICIPATE IN CEREMONIES HONORING THOSE IN UNIFORM WHO ARE
14 TODAY PROTECTING OUR NATION'S FREEDOM AND ASK THAT ALL FLAGS
15 THROUGHOUT THE COUNTY BE FLOWN AT HALF STAFF ON THIS DAY IN
16 HONOR OF THESE AMERICANS WHO DIED AS A RESULT OF THESE
17 TERRORIST ATTACKS. RAMON? [APPLAUSE]

18

19 **RAMON RODRIGUEZ:** SIX YEARS AGO TODAY, OUR NATION WAS ATTACKED
20 AND I PERSONALLY THINK THAT, AS OF TODAY, OUR NATION IS
21 STRONGER NOW THAN IT WAS THEN. AND I WANT TO THANK THE COUNTY
22 SUPERVISORS FOR THE SCROLL MAKING THIS DAY VETERANS' "PATRIOT
23 DAY" AND, ON BEHALF OF THE COUNTY COMMISSIONERS AND ALL THE
24 COUNTY VETERANS WITHIN THE COUNTY OF LOS ANGELES, WE THANK



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1 YOU. THANK YOU FOR A FINE JOB AND THANK YOU FOR RECOGNIZING
2 THIS DAY. [APPLAUSE]

3

4 **SUP. YAROSLAVSKY, CHAIRMAN:** OKAY. IT'S BEEN CALLED TO MY
5 ATTENTION, MEMBERS OF THE BOARD AND OUR BOARD SECRETARY, THAT
6 THERE'S BEEN A PRESIDENTIAL ORDER TO LOWER ALL FLAGS TO HALF
7 STAFF TODAY, WHICH APPARENTLY WE WERE NOT AWARE OF SO IF WE
8 CAN TAKE CARE OF THAT...

9

10 **CLERK SACHI HAMAI:** WE'LL TAKE CARE OF THAT IMMEDIATELY.

11

12 **SUP. YAROSLAVSKY, CHAIRMAN:** ...AS QUICKLY AS WE CAN. I BELIEVE
13 EVERY SEPTEMBER 11TH, IT APPEARS THAT'S THE WAY IT'S BEEN, SO
14 WE CAN KIND OF MAKE A NOTE OF THAT FOR NEXT YEAR'S CALENDAR,
15 TOO.

16

17 **CLERK SACHI HAMAI:** OKAY.

18

19 **SUP. YAROSLAVSKY, CHAIRMAN:** THANKS. ALL RIGHT. SUPERVISOR
20 ANTONOVICH, YOU'RE UP FIRST.

21

22 **SUP. ANTONOVICH:** FIRST, I'D LIKE TO MOVE THAT WE ADJOURN IN
23 MEMORY OF THE FOLLOWING MEMBERS, JUSTICE PAUL BOLAND, WHO
24 SERVED WITH DISTINCTION ON OUR STATE COURT OF APPEAL
25 TRAGICALLY PASSED AWAY AT THE AGE OF 65. HE WAS SERVING ON THE



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1 COURT AT THE TIME OF HIS PASSING. HE INITIATED THE FIRST
2 CLINICAL EDUCATION PROGRAM AT U.C.L.A. IN THE '70S WITH TWO OF
3 HIS COLLEAGUES, WHICH ALLOWED LAW STUDENTS REAL WORLD
4 EXPERIENCE IN THE COURTROOM. HE HAD BEEN A MENTOR OF MANY. HE
5 WAS A MENTOR, ONE OF OUR GOOD FRIENDS, FORMER U.S. ATTORNEY
6 AND FEDERAL JUDGE LOURDES BAIRD, WHO ENCOURAGED HER TO GO TO
7 LAW SCHOOL AT A LATER AGE IN HER LIFE AND TO BECOME AN
8 ATTORNEY AND A SUCCESSFUL ONE AND A SUCCESSFUL FEDERAL JUDGE.
9 PAUL IS A GRADUATE OF LOYOLA HIGH SCHOOL IN LOS ANGELES. HE
10 SERVED WITH DISTINCTION AND HE LEAVES HIS WIFE, WHO IS JUDGE
11 MARGARET MORROW, ON OUR COURT, AND HIS FATHER, PATRICK, AND
12 HIS BROTHERS, PETER, PHIL AND SISTER, ANNIE.

13

14 **SUP. KNABE:** I'D LIKE TO JOIN IN THAT, PLEASE.

15

16 **SUP. YAROSLAVSKY, CHAIRMAN:** ALL MEMBERS.

17

18 **SUP. ANTONOVICH:** ALSO DENNIS CARTER, WHO WAS A LOS ANGELES
19 COUNTY FIREFIGHTER AT OUR STATION 92-A IN LITTLE ROCK IN THE
20 ANTELOPE VALLEY, BATTALION 17, WHO UNEXPECTEDLY PASSED AWAY
21 WHILE OFF DUTY ON THURSDAY, SEPTEMBER 6TH. HE WAS 43 YEARS OF
22 AGE. JOHN CRAWFORD, LONG-TIME RESIDENT OF QUARTZ HILL AND
23 RETIRED FROM LOS ANGELES COUNTY HOSPITAL, U.S.C. MEDICAL
24 CENTER, IS SURVIVED BY HIS DAUGHTER, GRANDSON, MOTHER, AND
25 THREE SISTERS. JING HWANG, WHO PASSED AWAY ON AUGUST 29TH. SHE



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1 IS SURVIVED BY HER DAUGHTERS, HAU CHIU, TERESA LIN AND LINDA
2 LO AND SISTERS YUE HWANG AND GRANDCHILDREN, MICHAEL AND ANDY
3 LIN AND SOPHIA AND STEPHANIE LO. DR. JAMES KENNEDY, PASTOR OF
4 CHORAL RIDGE PRESBYTERIAN CHURCH AND ONE OF THE LEADERS IN OUR
5 NATION PASSED AWAY AT THE AGE OF 76. HE RECEIVED HIS DOCTORATE
6 DEGREE FROM NEW YORK UNIVERSITY. HE WAS A POSITIVE FORCE IN
7 OUR COMMUNITY. LUCIANO PAVAROTTI, OUR GREAT TENOR AND OPERA
8 SINGER WHO PERFORMED IN LOS ANGELES COUNTY MANY TIMES, LOST
9 HIS LIFE AND WE ADJOURN IN HIS MEMORY. HIS LAST RECITAL HERE
10 WAS JUST FOUR YEARS AGO AT STAPLES CENTER WHERE HE WAS GREATLY
11 APPRECIATED BY THE AUDIENCE. MITCHELL TOGNERI, 16 YEARS OF
12 AGE. HE WAS A SOPHOMORE AT NOTRE DAME HIGH SCHOOL. HE PASSED
13 AWAY WITH NONSPECIFIC SOFT TISSUE SARCOMA. HE HAD AN
14 OPPORTUNITY TO MEET BILL GATES, WHOM HE ADMIRERED GREATLY. EARLY
15 ON, HE MET DEREK LOWE OF THE DODGERS, OF WHOM HE WAS A GREAT
16 FAN. HE IS SURVIVED BY HIS MOM AND DAD AND SISTER. SISTER ST.
17 JOAN WILLERT OF THE SISTERS OF ST. JOSEPH OF CARONDELET FOR 64
18 YEARS, WHICH IS THE ORDER MY AUNT'S A MEMBER OF, PASSED AWAY.
19 SHE LEAVES HER NIECES AND ONE SISTER. AND JANE WYMAN, WHO
20 PASSED AWAY AT THE AGE OF 90, ACADEMY AWARD WINNING ACTRESS,
21 FORMERLY MARRIED TO PRESIDENT RONALD REAGAN AND THE MOTHER OF
22 MICHAEL REAGAN AND MAUREEN REAGAN, WHO HAD PASSED AWAY TWO
23 YEARS AGO. SHE LEAVES MICHAEL, HER SON, AND HER GRANDCHILDREN,
24 CAMERON AND ASHLEY, GRANDDAUGHTER. SO THOSE ARE MY
25 ADJOURNMENTS, MR. CHAIRMAN.



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1

2 **SUP. YAROSLAVSKY, CHAIRMAN:** UNANIMOUS VOTE.

3

4 **SUP. ANTONOVICH:** QUESTION RELATIVE TO 14 THAT I HAD RAISED AND
5 I DON'T KNOW IF I HAVE TO ASK REGIONAL PLANNING THIS QUESTION.
6 AND THE QUESTION IS, WE'RE BEING ASKED TO EXEMPT THE
7 CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THIS ACTION. AND THE
8 QUESTION IS, COULD WE HAVE THIS AS A STANDARD POLICY FOR ALL
9 CHILDCARE CENTERS? AND WHY SHOULD WE HAVE IT FOR ALL OR WHY
10 SHOULD WE NOT HAVE IT FOR ALL AND WHY SHOULD WE EXCLUDE IT FOR
11 SOME? THAT WAS MY QUESTION.

12

13 **RON HOFFMAN:** RON HOFFMAN FROM THE DEPARTMENT OF REGIONAL
14 PLANNING. I THINK THIS IS SOMETHING THAT WARRANTS US LOOKING
15 INTO AND WE WOULD CERTAINLY WANT TO WORK WITH COUNTY COUNSEL
16 ON THIS BUT THERE ARE A NUMBER OF EXEMPTIONS THAT THE COUNTY
17 HAS IN ITS OWN C.E.Q.A. GUIDELINES THAT ARE SPECIALLY TAILORED
18 FOR THE COUNTY BASED ON THE STATE PARAMETERS AND THAT'S
19 SOMETHING WE COULD CERTAINLY LOOK INTO.

20

21 **SUP. ANTONOVICH:** OKAY. SO THAT-- HAVE WE ENCOUNTERED THIS
22 PROBLEM WITH OTHER CHILDCARE CENTERS IN THE PAST? I'M NOT
23 FAMILIAR, THAT'S WHY...

24

25 **RON HOFFMAN:** NOT TO MY KNOWLEDGE IT HASN'T.



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1

2 **SUP. ANTONOVICH:** OKAY. SO IF THIS PASSES TODAY, THEN WE COULD
3 HAVE AN AMENDMENT THAT YOU'LL REVIEW HAVING THIS TYPE OF
4 EXEMPTION FOR OTHER CHILDCARE CENTERS AND MAKE A REPORT BACK
5 TO THE BOARD?

6

7 **RON HOFFMAN:** WE COULD CERTAINLY DO THAT, YES, SIR.

8

9 **SUP. ANTONOVICH:** THAT WOULD BE MY...NE.

10

11 **SUP. YAROSLAVSKY, CHAIRMAN:** THAT'S FINE. I'M JUST READING THIS
12 AGENDA ITEM AND THIS IS WORDED IN A KIND OF WAY WHICH SUGGESTS
13 THAT THESE KINDS OF FACILITIES MAY BE CATEGORICALLY EXEMPT
14 BECAUSE IT SAYS, "FIND THAT THE LICENSE OF SURPLUS COUNTY
15 PROPERTY IDENTIFIED AS THE COUNTY KIDS PLACE AND PLAY
16 CHILDCARE CENTER IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL
17 QUALITY ACT." SO I WONDER WHETHER IT'S ALREADY A CATEGORICAL
18 EXCEPTION FOR THIS KIND OF THING. DO YOU KNOW?

19

20 **RON HOFFMAN:** I DON'T KNOW.

21

22 **SUP. YAROSLAVSKY, CHAIRMAN:** EITHER WAY, I AGREE WITH MR.
23 ANTONOVICH'S, THE SPIRIT OF WHAT HE'S SAYING BUT IT MAY
24 ALREADY BE THERE. SO WHATEVER IT IS, IF YOU CAN GET US A
25 REPORT NEXT WEEK?



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1

2 **RON HOFFMAN:** SURE.

3

4 **SUP. YAROSLAVSKY, CHAIRMAN:** OKAY. BUT, IN THE MEANTIME, YOU
5 HAVE NO OBJECTION TO MOVING IT?

6

7 **SUP. ANTONOVICH:** NO.

8

9 **SUP. YAROSLAVSKY, CHAIRMAN:** ANTONOVICH MOVES, I'LL SECOND.
10 WITHOUT OBJECTION, ITEM 14 IS APPROVED.

11

12 **SUP. ANTONOVICH:** AS AMENDED.

13

14 **SUP. YAROSLAVSKY, CHAIRMAN:** AS AMENDED.

15

16 **SUP. ANTONOVICH:** ON ITEM NUMBER 17, EXCUSE ME. ITEM NUMBER 23.
17 ITEM 23?

18

19 **SUP. YAROSLAVSKY, CHAIRMAN:** 23. IT'S A DISCUSSION ITEM. IS
20 PUBLIC WORKS HERE? WHO IS COMING UP? ALL RIGHT. SUPERVISOR
21 MOLINA IS RELEASING HER HOLD ON ITEM 35. SO SHE WILL MOVE. I
22 WILL SECOND. WITHOUT OBJECTION, UNANIMOUS VOTE ON ITEM 35. DO
23 YOU WANT TO GIVE A BRIEF SUMMARY OF YOUR RECOMMENDATION?

24



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1 **DEBBIE LIZZARI:** YES. SO IT'S DEBBIE LIZZARI WITH THE C.E.O.'S
2 OFFICE. WE'RE MAKING A RECOMMENDATION TO HAVE THE BOARD
3 APPROVE AN INCREASE IN THE PROJECT BUDGET FOR THE MED CENTER
4 OF \$18 MILLION AND TO APPROVE AN APPROPRIATION ADJUSTMENT TO
5 FUND THAT \$18 MILLION FROM THE DESIGNATION FOR C.A.P.
6 PROJECTS, EXTRAORDINARY MAINTENANCE.

7

8 **SUP. YAROSLAVSKY, CHAIRMAN:** WHAT DOES THIS DO TO THE
9 CONTINGENCY BUDGET AS A PERCENTAGE OF THE CONSTRUCTION,
10 ORIGINAL CONSTRUCTION-- OR "THE" CONSTRUCTION BUDGET? AS A
11 PERCENTAGE OF THE CONSTRUCTION BUDGET, WHAT IS THE CONTINGENCY
12 BUDGET NOW AFTER YOU ADDED THIS \$18 MILLION? THIS IS ABOUT THE
13 THIRD OR FOURTH ADJUSTMENT TO THE CONTINGENCY SINCE THE
14 PROJECT STARTED.

15

16 **DEBBIE LIZZARI:** IT'LL BRING THE CONTINGENCY TO 19.61 PERCENT.

17

18 **SUP. YAROSLAVSKY, CHAIRMAN:** WHY AM I UNDER THE IMPRESSION IT'S
19 22 PERCENT? IS YOUR CALCULATOR BETTER THAN OUR CALCULATOR?

20

21 **DEBBIE LIZZARI:** YEAH.

22

23 **JACOB WILLIAMS:** OVERALL IT'S ABOUT 22 PERCENT.

24



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1 **SUP. YAROSLAVSKY, CHAIRMAN:** 22 PERCENT. WHAT IS THE INDUSTRY
2 STANDARD FOR A CONTINGENCY BUDGET FOR A PROJECT OF THIS SIZE,
3 OF ANY SIZE, A MAJOR PROJECT?

4

5 **JACOB WILLIAMS:** CLEARLY, THIS IS NOT A AVERAGE PROJECT.

6

7 **SUP. YAROSLAVSKY, CHAIRMAN:** I UNDERSTAND.

8

9 **JACOB WILLIAMS:** FOR AN AVERAGE PROJECT, IT WOULD BE ABOUT--
10 FOR A NEW CONSTRUCTION, ABOUT 10 PERCENT.

11

12 **SUP. YAROSLAVSKY, CHAIRMAN:** 10 PERCENT.

13

14 **JACOB WILLIAMS:** FOR THIS PROJECT, PROBABLY ABOUT 15.

15

16 **SUP. YAROSLAVSKY, CHAIRMAN:** OKAY. SO, EVEN ACCEPTING YOUR
17 STIPULATION, IT IS...

18

19 **JACOB WILLIAMS:** NOT AN AVERAGE PROJECT.

20

21 **SUP. YAROSLAVSKY, CHAIRMAN:** IT IS 50 PERCENT HIGHER, THE
22 CONTINGENCY BUDGET ON THIS IS 50 PERCENT HIGHER THAN AN
23 AVERAGE PROJECT OF THIS TYPE, CORRECT?

24

25 **JACOB WILLIAMS:** I WOULD SAY YES.



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1

2 **SUP. YAROSLAVSKY, CHAIRMAN:** APPROXIMATELY.

3

4 **JACOB WILLIAMS:** APPROXIMATELY. THERE ARE OBVIOUSLY EXTENUATING
5 CIRCUMSTANCES ON THIS PROJECT.

6

7 **SUP. YAROSLAVSKY, CHAIRMAN:** WHAT ARE THE EXTENUATING
8 CIRCUMSTANCES?

9

10 **JACOB WILLIAMS:** ESCALATION, PRIMARILY. OVER THE PAST COUPLE
11 YEARS, SUPERVISOR, THERE HAVE BEEN ESCALATION FIGURES...

12

13 **SUP. YAROSLAVSKY, CHAIRMAN:** IDENTIFY YOURSELF FOR THE RECORD.

14

15 **JACOB WILLIAMS:** I'M SORRY. MY NAME IS JACOB WILLIAMS,
16 ASSISTANT DIRECTOR FOR PUBLIC WORKS DEPARTMENT. OVER THE PAST
17 COUPLE YEARS, THERE HAVE BEEN REPORTED BY E.N.R. AND
18 EXPERIENCED BY BOTH PRIVATE AND PUBLIC SECTORS ESCALATION
19 FIGURES IN THE 30 TO 50 PERCENT RANGE IN CERTAIN AREAS OF
20 CONSTRUCTION, WHICH THIS PROJECT HAS EXPERIENCED DURING ITS
21 CONSTRUCTION PHASE, PRIMARILY. WE WERE NOT IN THAT ENVIRONMENT
22 WHEN THE PROJECT WAS BID; HOWEVER, ONCE WE STARTED
23 CONSTRUCTION, THAT ESCALATION CYCLE TOOK OFF.

24



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1 **SUP. YAROSLAVSKY, CHAIRMAN:** NOT ALL OF THESE PROJECT-- OF THE
2 18 MILLION THAT'S BEFORE US TODAY, ALMOST HALF OF IT HAS
3 NOTHING TO DO WITH ESCALATION AND COST. IT HAS TO DO WITH
4 CHANGE ORDERS, ISN'T THAT CORRECT?

5

6 **JACOB WILLIAMS:** THE BULK OF THE...

7

8 **SUP. YAROSLAVSKY, CHAIRMAN:** ABOUT 8 MILLION OF THE 18 MILLION
9 IS IN CHANGE ORDERS BEFORE US TODAY?

10

11 **JACOB WILLIAMS:** YES.

12

13 **SUP. YAROSLAVSKY, CHAIRMAN:** CHANGE ORDERS HAVE NOTHING TO DO
14 WITH ESCALATION AND COST. THEY'RE JUST CHANGE ORDERS. THEY
15 ALSO MAY HAVE ESCALATIONS ASSOCIATED WITH THEM BUT IT'S A
16 REFLECTION OF A CHANGE IN SOME ASPECT OF THE PROJECT AFTER THE
17 PROJECT WAS UNDER WAY, AFTER THE COMMITMENT HAD BEEN MADE TO
18 THE ORIGINAL DESIGN, CORRECT?

19

20 **JACOB WILLIAMS:** THAT IS CORRECT.

21

22 **SUP. YAROSLAVSKY, CHAIRMAN:** DO YOU KNOW OFF THE TOP OF YOUR
23 HEAD HOW MUCH WE WILL HAVE SPENT, AT LEAST THROUGH THIS DAY,
24 ON CHANGE ORDERS ON THIS PROJECT?

25



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1 **JACOB WILLIAMS:** I THINK IT'S CLOSE TO 100, ABOUT 96 MILLION.

2

3 **SUP. YAROSLAVSKY, CHAIRMAN:** \$96 MILLION ON A \$900 MILLION
4 PROJECT IN CHANGE ORDERS ALONE. HOW DOES THAT COMPARE TO THE
5 INDUSTRY STANDARD?

6

7 **JACOB WILLIAMS:** WELL, I THINK THAT, NOTWITHSTANDING THE
8 ESCALATION THAT WE JUST DISCUSSED...

9

10 **SUP. YAROSLAVSKY, CHAIRMAN:** I'M NOT TALKING ABOUT THE
11 ESCALATION. I'M TALKING ABOUT CHANGE ORDERS. OVER 10 PERCENT,
12 WELL OVER 10 PERCENT, PROBABLY 12-1/2 PERCENT OF THE ORIGINAL
13 CONSTRUCTION BUDGET IS IN CHANGE ORDERS. IF YOU'RE TALKING
14 \$100 MILLION. THE ORIGINAL CONSTRUCTION WAS \$800 SOME ODD
15 MILLION SO WHATEVER THAT IS, ONE-EIGHTH, 12-1/2 PERCENT IS IN
16 CHANGE ORDERS. THAT'S WHAT YOU JUST TESTIFIED TO, CORRECT?

17

18 **JACOB WILLIAMS:** YES.

19

20 **SUP. YAROSLAVSKY, CHAIRMAN:** WHAT IS THE INDUSTRY STANDARD FOR
21 CHANGE ORDERS?

22

23 **JACOB WILLIAMS:** IN TERMS OF DOLLAR AMOUNT?

24



**The Meeting Transcript of
The Los Angeles County Board of Supervisors**

1 **SUP. YAROSLAVSKY, CHAIRMAN:** IN TERMS OF DOLLAR-- PERCENTAGE OF
2 THE CONSTRUCTION BUDGET IN CHANGE ORDERS FOR ANY GIVEN
3 PROJECT, ANY GIVEN HOSPITAL PROJECT OR CONCERT HALL PROJECT.

4

5 **JACOB WILLIAMS:** I WOULD SAY FOR NEW CONSTRUCTION IN THE
6 HOSPITAL ENVIRONMENT, WE WOULD EXPECT ABOUT 15 PERCENT IN
7 CHANGE ORDERS.

8

9 **SUP. YAROSLAVSKY, CHAIRMAN:** 15 PERCENT?

10

11 **JACOB WILLIAMS:** IN CALIFORNIA, YES.

12

13 **SUP. YAROSLAVSKY, CHAIRMAN:** IS THAT THE STANDARD HERE IN THE
14 PROJECTS MANAGED BY THE DEPARTMENT OF PUBLIC WORKS?

15

16 **JACOB WILLIAMS:** I THINK WE'RE TALKING SPECIFICALLY ABOUT THE
17 CONTEXT OF THE MED CENTER, WHICH HAS, YOU KNOW, O.S.H.P.A.D.
18 COMPONENT IN TERMS OF THE INSPECTION. IT IS THE LARGEST, MOST
19 COMPLICATED PROJECT LOS ANGELES COUNTY HAS EVER ENDEAVORED TO
20 TAKE ON. IT IS ENORMOUSLY COMPLICATED. AND, AS A RESULT, YOU
21 WOULD-- FROM A PLANNING POINT OF VIEW, YOU WOULD PROBABLY SAY,
22 "THIS ISN'T A 10 PERCENT CHANGE ORDER PROJECT. THIS IS CLOSER
23 TO 15 PERCENT BECAUSE OF THE ADDED COMPLEXITY."

24



**The Meeting Transcript of
The Los Angeles County Board of Supervisors**

1 **SUP. YAROSLAVSKY, CHAIRMAN:** AND WHAT PERCENTAGE OF THE PROJECT
2 IS IN CHANGE ORDERS? IS IT ABOUT 12-1/2 PERCENT? WHAT WAS THE
3 ORIGINAL CONSTRUCTION BUDGET?

4

5 **JACOB WILLIAMS:** I CAN LOOK THAT UP.

6

7 **SUP. YAROSLAVSKY, CHAIRMAN:** THE ORIGINAL CONSTRUCTION BUDGET
8 WAS...

9

10 **JACOB WILLIAMS:** YOU'RE LOOKING AT ABOUT 22% RIGHT NOW.

11

12 **SUP. YAROSLAVSKY, CHAIRMAN:** NO, I THINK YOU MISUNDERSTAND.
13 THAT'S WHAT I WAS-- THAT'S WHAT I THOUGHT AND IT'S NOT YOUR
14 FAULT. I'M NOT MAKING MYSELF CLEAR. THERE ARE TWO ISSUES, AS
15 FAR AS I CAN SEE, AT LEAST TWO ISSUES THAT I'M FOCUSED ON. ONE
16 IS THE OVERALL ESCALATION OF THIS THING THAT'S BEFORE US
17 REPRESENTED BY THE REQUEST TODAY. IN THE COMPONENT PARTS OF
18 THAT, PART ONE IS COST ESCALATION. STEEL'S UP, CEMENT'S UP,
19 ALL OF THE STUFF THAT EVERY PROJECT IN AMERICA IS
20 EXPERIENCING. THE SECOND ISSUE IS THE CHANGE ORDERS, UNRELATED
21 TO WHETHER THE CEMENT HAS GONE UP OR DOWN, SOMEBODY DECIDED
22 THAT THEY DIDN'T WANT THIS DEVICE HERE, THEY WANTED IT THERE
23 AFTER THE PROJECT WAS UNDER CONSTRUCTION. THEY HAD TO MAKE A
24 CHANGE. IT RAN UP A COST. OF THE \$18 MILLION THAT'S BEFORE US



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1 TODAY, ALMOST HALF OF THAT IS IN CHANGE ORDERS. IT HAS NOTHING
2 TO DO WITH ESCALATION. ARE WE ON THE SAME PAGE ON THAT?

3

4 **JACOB WILLIAMS:** CAN I CLARIFY...

5

6 **SUP. YAROSLAVSKY, CHAIRMAN:** YES.

7

8 **JACOB WILLIAMS:** ...WHAT WE MEAN BY THE RELATIONSHIP BETWEEN
9 THE EXISTENCE OF CHANGE ORDERS AND ESCALATION?

10

11 **SUP. YAROSLAVSKY, CHAIRMAN:** OKAY.

12

13 **JACOB WILLIAMS:** IN THE NORMAL-- SAY, WE HAD A YEAR WHERE
14 ESCALATION WAS AT, SAY, 2 TO 3 PERCENT, A NORMAL YEAR. THAT
15 WOULD JIBE WITH OUR PLANNING NUMBERS FOR A PROJECT LIKE THIS
16 SO YOU WOULDN'T REALLY BE TALKING ABOUT ESCALATION AS A ADDED
17 COMPONENT. BUT FOR EVERY-- ON THIS PROJECT, FOR EVERY CHANGE
18 ORDER THAT COMES ABOUT, YOU'RE NEGOTIATING THE COST OF THAT
19 CHANGE ORDER IN AN ESCALATED ENVIRONMENT. SO YOU'RE PAYING
20 MORE FOR THE SAME CHANGE ORDER THAT YOU MIGHT HAVE PAID A
21 SIGNIFICANTLY LESS AMOUNT WERE THE MARKET CONDITIONS...

22

23 **SUP. YAROSLAVSKY, CHAIRMAN:** I UNDERSTAND. SO ESCALATION IS A
24 FACTOR IS WHAT YOU'RE SAYING IN THE COST OF A CHANGE ORDER?

25



**The Meeting Transcript of
The Los Angeles County Board of Supervisors**

1 **JACOB WILLIAMS:** IT IS. IN THE COST OF A CHANGE ORDER.

2

3 **SUP. YAROSLAVSKY, CHAIRMAN:** BUT THE NUMBER OF CHANGE ORDERS
4 AND THE VALUE OF THE CHANGE ORDER, AS A PERCENTAGE OF THE
5 CONSTRUCTION BUDGET, THEY ALL MORE OR LESS MOVE TOGETHER. THE
6 BUDGET WILL INCREASE IF THERE'S ESCALATION AND IT WON'T
7 INCREASE AS MUCH IF THERE'S LESS ESCALATION.

8

9 **JACOB WILLIAMS:** CORRECT.

10

11 **SUP. YAROSLAVSKY, CHAIRMAN:** AS A PERCENTAGE OF THE
12 CONSTRUCTION BUDGET, WHAT WAS THE CONSTRUCTION BUDGET OF THIS
13 PROJECT, ORIGINALLY? 800 SOMETHING, RIGHT?

14

15 **DAVID HOWARD:** SUPERVISOR, MY NAME IS DAVID HOWARD.

16

17 **SUP. YAROSLAVSKY, CHAIRMAN:** ACTUALLY, IT WAS LESS THAN THAT.

18

19 **DAVID HOWARD:** I'M THE ASSISTANT DEPUTY DIRECTOR WITH PUBLIC
20 WORKS.

21

22 **SUP. YAROSLAVSKY, CHAIRMAN:** GO AHEAD.

23

24 **DAVID HOWARD:** THE ORIGINAL BOARD-APPROVED BUDGET IN 1998 WAS
25 818 MILLION.



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1

2 **SUP. YAROSLAVSKY, CHAIRMAN:** THAT WAS FOR THE ENTIRE PROJECT.

3

4 **DAVID HOWARD:** THAT WAS THE ENTIRE. OF THAT, JUST SLIGHTLY OVER
5 \$500 MILLION WAS FOR CONSTRUCTION.

6

7 **SUP. YAROSLAVSKY, CHAIRMAN:** OKAY. 500 MILLION WAS FOR
8 CONSTRUCTION.

9

10 **DAVID HOWARD:** YES.

11

12 **SUP. YAROSLAVSKY, CHAIRMAN:** AND THE CHANGE ORDERS THAT ARE
13 BEFORE US TODAY, UP UNTIL NOW, INCLUDING THE 18 MILLION
14 PACKAGE THAT'S HERE AND THE 8 MILLION WHICH ARE CHANGE ORDERS,
15 HOW MUCH MONEY HAVE WE SPENT ON CHANGE ORDERS, INCLUDING
16 WHAT'S IN HERE TODAY?

17

18 **DAVID HOWARD:** IT WOULD TAKE US TO BETWEEN 105 AND \$110
19 MILLION. SO YOU'RE MAYBE AT 20, 22 PERCENT.

20

21 **SUP. YAROSLAVSKY, CHAIRMAN:** JUST THE CHANGE ORDERS?

22

23 **DAVID HOWARD:** THAT'S CORRECT.

24



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The Los Angeles County Board of Supervisors

1 **DEBBIE LIZZARI:** SUPERVISOR, YOU KNOW, YOU TALKED ABOUT HOW
2 THIS PROJECT FALLS IN THE CONTEXT OF OTHER SIMILAR TYPES OF
3 CONSTRUCTION AND I THINK WE'RE GOING TO BE PASSING AROUND TO
4 YOU SOME INFORMATION THAT WE PULLED FROM POLLING VARIOUS
5 HOSPITALS.

6

7 **SUP. YAROSLAVSKY, CHAIRMAN:** DON'T TELL ME ABOUT U.C.L.A.

8

9 **DEBBIE LIZZARI:** WELL, IT HAS-- CHILDREN'S HOSPITAL. IT HAS
10 LONG BEACH MEMORIAL, KAISER PERMANENTE AND BASICALLY WHAT WE
11 LOOKED AT IS THE SQUARE FOOTAGE, THE CONSTRUCTION COSTS AND
12 THEN THE COST PER SQUARE FOOT SO WE COULD DO A COMPARISON.
13 AND, IN THE COST PER SQUARE FOOT, THE MED CENTER REPLACEMENT
14 PROJECT IS \$431 PER SQUARE FOOT. AND, ON THE LIST, YOU CAN SEE
15 THAT THAT IS ACTUALLY A LITTLE HIGHER THAN U.C.L.A. BUT LESS
16 EXPENSIVE THAN OTHER PROJECTS, HUNTINGTON MEMORIAL, KAISER
17 PERMANENTE AT 531, \$531, ET CETERA SO I THINK IT'S, YOU KNOW,
18 IN THE COMPARABLE RANGE OF WHAT THE EXPERIENCE IS IN BUILDING
19 THIS TYPE OF FACILITY.

20

21 **SUP. YAROSLAVSKY, CHAIRMAN:** WELL, ACTUALLY, IT'S NOT THE COST
22 PER SQUARE FOOT THAT I WAS FOCUSED ON. I WAS FOCUSED ON THE
23 CHANGE ORDERS. WE ALL UNDERSTAND THIS IS AN EXPENSIVE PROJECT
24 AND WE ALL-- EVERY HOSPITAL, ANYTHING OF THIS COMPLEXITY, AND
25 THIS IS CERTAINLY IS COMPLEX, IS GOING TO BE EXPENSIVE. BUT



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1 WHAT I WAS FOCUSED ON IS THIS IS EITHER THE THIRD OR THE
2 FOURTH TIME IN THE LAST YEAR AND A HALF OR TWO YEARS THAT YOU
3 GUYS HAVE COME BACK TO THE BOARD AND ASKED FOR MORE MONEY FOR
4 THIS PROJECT, EVEN THOUGH I BELIEVE YOU KNEW, AT THE FIRST
5 TIME YOU CAME, THAT THERE WAS MORE MONEY COMING LATER. I THINK
6 YOU'VE BEEN KIND OF COMPARTMENTALIZING THIS SO AS NOT TO GIVE
7 US STICKER SHOCK AND, ALL THE WHILE, OUR LITTLE CITIZEN'S
8 COMMITTEE OF THREE PEOPLE WHO HAVE DEDICATED THEIR TIME, WHO
9 ARE DOING A GREAT JOB AND I'M SURE DOING AS BEST-- AS GOOD A
10 JOB AS THEY CAN, FOR A WHILE, THE IMPRESSION WAS THAT THEY
11 WERE REALLY HOLDING THE COSTS DOWN. AND NOW, AS I LOOK AT
12 THIS, JUST LOOKING BACK, AND THAT'S THE REASON WHY I'M ASKING
13 THESE QUESTIONS, IS EITHER THE ESTIMATES WERE WOEFULLY
14 UNDERSTATED, WHICH CLEARLY THEY WERE AND IT'S NOT THE ONLY
15 PROJECT IN LOS ANGELES WHERE THAT'S THE CASE, OR THE
16 MANAGEMENT OF THE PROJECT HAS BEEN A LITTLE LAX, WHICH MAY
17 VERY WELL BE THE CASE AND THAT'S WHAT I'VE-- YOU KNOW, YOU GET
18 THESE KINDS OF CHANGE ORDER, VOLUME OF CHANGE ORDERS, IT
19 RAISES MY EYEBROWS. IT MAY NOT ANYBODY ELSE'S. IT JUST RAISES
20 MY EYEBROWS. AND THERE ARE A LOT OF CHANGES, 300 PAGES OF
21 CHANGES THAT HAVE TAKEN PLACE. SOME OF THEM, MAYBE MOST OF
22 THEM UNAVOIDABLE, BUT I HAVE TO ASK MYSELF THE QUESTION, WHY?
23 AND THE PEOPLE WHO ARE ON THE-- AT LEAST THE PEOPLE I KNOW ON
24 THE-- WHAT DO WE CALL IT? THE P.A.C.? IT'S NOT THE P.A.C. BUT
25 THE...?



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1

2 **JACOB WILLIAMS:** THE PROJECT ADVISORY COMMITTEE.

3

4 **SUP. YAROSLAVSKY, CHAIRMAN:** OVERSIGHT COMMITTEE, THANKS. THE
5 OVERSIGHT COMMITTEE HAVE SAID THIS IS-- I DON'T WANT TO SAY
6 TERRIBLE, THIS IS NO GOOD. YOU KNOW, THEY APPROVED THIS
7 HOLDING THEIR NOSE. MY WORDS, NOT THEIRS. BUT I THINK IT'S A
8 FAIR CHARACTERIZATION OF WHAT'S GOING ON AND I HAVE NOT RAISED
9 THIS IN ANY DETAIL BEFORE AND I REALLY DIDN'T WANT TO RAISE IT
10 TODAY BUT I'M JUST CONCERNED THAT YOU'RE GOING TO BE BACK
11 AGAIN AND THAT WE'RE NOT DONE WITH THIS. AND I'VE GRILLED MR.
12 FUJIOKA ABOUT THIS. I'VE ASKED MY STAFF TO TALK TO THE PUBLIC
13 WORKS AND C.E.O. PEOPLE ABOUT THIS. THEY ASSURE US THAT MY
14 FEARS ARE NOT WELL PLACED AND I HOPE THAT'S THE CASE BUT THESE
15 ARE A LOT OF CHANGE ORDERS. AND THIS THING HAS-- EVERYTHING IS
16 OVER BUDGET NOWADAYS AND HAVE BEEN FOR THE LAST FIVE OR SIX
17 YEARS BUT YOU KNOW THE CONCERT HALL PROJECT WAS NOT AN EASY
18 PROJECT, EITHER. IT WAS VERY COMPLICATED. AND I BELIEVE THEIR
19 CONTINGENCY, WHEN ALL WAS SAID AND DONE AND ALL THE CLOSEOUTS
20 WERE DONE, WAS UNDER 14 PERCENT. IT MAY HAVE EVEN BEEN LESS
21 THAN THAT. I DON'T RECALL THE EXACT FIGURE. IT CERTAINLY
22 WASN'T 20, 22 OR MORE PERCENT. AND THAT'S NOT A HOSPITAL. NO
23 QUESTION IT'S NOT A HOSPITAL.

24



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1 **JACOB WILLIAMS:** AND IT DIDN'T EXPERIENCE THE ENORMOUS
2 ESCALATION CYCLE THAT THIS PROJECT DID.

3

4 **SUP. YAROSLAVSKY, CHAIRMAN:** WELL, ACTUALLY IT DID EXPERIENCE
5 SOME. NOT THE WAY IT IS NOW BUT IT DID EXPERIENCE SOME. AND I
6 WON'T PUBLICLY GO INTO THEIR PROJECT MANAGER'S TACTICS BUT HE
7 WAS A MUCH BETTER POKER PLAYER THAN MOST PROJECT MANAGERS I'VE
8 EVER DEALT WITH AND IT PAID OFF. I MEAN, AT THE END OF THE
9 DAY, THEY HAD MONEY LEFT OVER. IT'S NOT MUCH BUT THEY HAD
10 MONEY LEFT OVER. SO THAT'S NOT GOING TO BE THE CASE HERE OR
11 PRACTICALLY ANY OTHER PROJECT IN TOWN. I KNOW WE'RE
12 EXPERIENCING THIS ALL OVER. WE'RE EXPERIENCING IT ON THE RAIL
13 PROJECTS, IN THE TWO THAT ARE UNDER CONSTRUCTION NOW IN L.A.,
14 ALL THE MAJOR PROJECTS THAT ARE GOING ON BUT IT'S THE CHANGE
15 ORDER PIECE OF THIS, NOT THE ESCALATION. I UNDERSTAND THE
16 ESCALATION PART. BUT WHY-- THERE ARE HUNDREDS AND HUNDREDS AND
17 HUNDREDS OF PAGES AND THOUSANDS OF CHANGE ORDERS. I DON'T HAVE
18 THE TIME OR FRANKLY THE KNOW-HOW TO GO THROUGH EVERY ONE OF
19 THOSE CHANGE ORDERS AND UNDERSTAND WHAT THEY ARE. WERE THEY
20 NECESSARY OR DID THE HEALTH DIRECTOR OR HIS DEPUTY OR THE
21 MEDICAL DIRECTOR DECIDE, "I DIDN'T LIKE VANILLA, I WANTED ROSE
22 AS THE COLOR OF MY WALLS" OR I DIDN'T WANT THIS OR I WANTED
23 THAT. OR HOW CRITICAL-- WHAT WERE NON DISCRETIONARY AND WHAT
24 WERE DISCRETIONARY CHANGES THAT WERE MADE ALONG THE WAY? I



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1 DON'T HAVE AN ANSWER TO THAT. I DON'T THINK WE'D GET AN ANSWER
2 TO THAT TODAY.

3

4 **JACOB WILLIAMS:** THE GENERAL ANSWER IS THAT THE VAST, VAST
5 MAJORITY, PERCENTAGE WISE, OF THE CHANGE ORDERS IS
6 NONDISCRETIONARY.

7

8 **SUP. YAROSLAVSKY, CHAIRMAN:** HOW ABOUT THE PERCENTAGE IN TERMS
9 OF MONEY SPENT ON CHANGE ORDERS? WERE MOST-- THE OVERWHELMING
10 MAJORITY OF THOSE NONDISCRETIONARY?

11

12 **JACOB WILLIAMS:** YES.

13

14 **SUP. YAROSLAVSKY, CHAIRMAN:** SO, OF THE \$106 MILLION OR
15 THEREABOUTS THAT YOU SPENT...?

16

17 **JACOB WILLIAMS:** 90 PLUS, 95 PLUS PERCENT NONDISCRETIONARY.

18

19 **DAVID HOWARD:** SUPERVISOR, THE DISCRETIONARY CHANGES HAVE BEEN
20 LESS THAN 2 PERCENT OF THE PROJECT TOTAL AND, OF THOSE, ALL OF
21 THAT FUNDING HAS COME FROM THE DEPARTMENT OF HEALTH SERVICES
22 AT THE INSISTENCE OF THE BOARD...

23

24 **SUP. YAROSLAVSKY, CHAIRMAN:** YEAH, BUT THAT-- I DON'T CARE
25 WHERE IT'S COMING FROM. IT'S COMING FROM THE SAME POT AT THE



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1 END OF THE DAY. IT'S COMING FROM THE POT THAT COULD PROVIDE
2 HEALTHCARE, TOO, OR SOMETHING ELSE. BUT GIVE ME AN EXAMPLE OF
3 THE DISCRETIONARY CHANGES THAT WERE MADE. GIVE ME ONE EXAMPLE.

4

5 **DAVID HOWARD:** THE LARGEST DISCRETIONARY CHANGE WAS THE
6 CONVERSION OF THE PSYCH WARD TO INPATIENT CARE. THE TOTAL
7 DISCRETIONARY CHANGES HAS BEEN ABOUT \$12 MILLION. AND, OF
8 THAT, 9 IS THE PSYCH WARD. THE REST OF THEM ARE MOSTLY RELATED
9 TO CHANGES IN MEDICAL TECHNOLOGY WHERE A PIECE OF MEDICAL
10 EQUIPMENT WAS SPECIFIED AND A MORE CONTEMPORARY, BETTER PIECE
11 OF EQUIPMENT BECAME AVAILABLE AND THEY REQUESTED TO ADD
12 FUNDING TO GET THE MORE CONTEMPORARY.

13

14 **SUP. YAROSLAVSKY, CHAIRMAN:** SO GIVE ME AN EXAMPLE OF A
15 NONDISCRETIONARY? WHAT'S YOUR BIGGEST NONDISCRETIONARY CHANGE
16 ORDER?

17

18 **DAVID HOWARD:** THE SINGLE BIGGEST NONDISCRETIONARY CHANGE WAS
19 RELATED TO THE MECHANICAL SYSTEMS IN THE BUILDING WHERE WE
20 PAID THE CONTRACTOR TO ADD ADDITIONAL FITTINGS FOR THE
21 PLUMBING AND THE AIR CONDITIONING AND THAT WAS IN THE MULTIPLE
22 MILLIONS OF DOLLARS.

23

24 **SUP. YAROSLAVSKY, CHAIRMAN:** AND WHAT CAUSED THAT? WHY WAS
25 THERE A CHANGE NEEDED? WHAT HAPPENED?



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1

2 **DAVID HOWARD:** THE PLANS FOR THAT SYSTEM SHOWED ONLY A CERTAIN
3 NUMBER OF FITTINGS AND, BECAUSE THESE SYSTEMS GO IN THE SPACE
4 BETWEEN THE CEILING AND THE FLOOR ABOVE, THERE WAS CONGESTION
5 IN THERE AND, IN ORDER TO MAKE ALL THESE PIPES AND CONDUITS
6 AND DUCTS FIT, THEY HAD TO GO UP AND AROUND AND MOVE AROUND
7 THE VARIOUS SYSTEMS. SO THEY HAD TO ADD MULTIPLE ADDITIONAL
8 FITTINGS. AND SO WE ENDED UP PAYING THE COST FOR THOSE
9 FITTINGS AND ALSO THE EXTRA COSTS TO...

10

11 **SUP. YAROSLAVSKY, CHAIRMAN:** WHO DID THE PLANS?

12

13 **DAVID HOWARD:** IT WAS A TEAM LED BY H.O.K.

14

15 **SUP. YAROSLAVSKY, CHAIRMAN:** AND THE COUNTY IS PAYING-- WAS IT
16 THEIR MISTAKE?

17

18 **DAVID HOWARD:** ULTIMATELY, YES.

19

20 **SUP. YAROSLAVSKY, CHAIRMAN:** AND WE'RE PAYING FOR THEIR
21 MISTAKE?

22

23 **DAVID HOWARD:** YES, SUPERVISOR.

24



**The Meeting Transcript of
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1 **SUP. YAROSLAVSKY, CHAIRMAN:** IS THIS THE DISCUSSION WE HAD
2 ABOUT THAT COMPANY ONCE BEFORE?

3

4 **DAVID HOWARD:** YES.

5

6 **SUP. YAROSLAVSKY, CHAIRMAN:** HOW MUCH WAS THAT ONE CHANGE
7 ORDER? DID YOU SAY 12 MILLION?

8

9 **DAVID HOWARD:** THERE WAS ABOUT 12 MILLION IN THAT. IT WAS
10 INCLUDED AS PART OF A LARGER SETTLEMENT WITH THAT
11 SUBCONTRACTOR. THE TOTAL SETTLEMENT THAT REALLY HAD HUNDREDS
12 OF CHANGES IN IT WAS A TOTAL OF 18 MILLION. THE PIECE THAT I
13 WAS DESCRIBING WAS ACTUALLY TWO PIECES BUT IT WAS ABOUT \$6 TO
14 \$9 MILLION AND THEN THE BALANCE WAS ABOUT 300 OTHER ITEMS THAT
15 WE SETTLED.

16

17 **SUP. YAROSLAVSKY, CHAIRMAN:** I NEED TO HAVE-- AND I DON'T WANT
18 TO DO IT HERE-- I NEED TO HAVE MY MEMORY REFRESHED ON THIS, ON
19 WHY WE ASSUMED THE RESPONSIBILITY FOR PAYING FOR THAT MISTAKE.
20 MAYBE AFTER-- YOU CAN REMIND ME.

21

22 **DAVID HOWARD:** CERTAINLY. WE'D BE HAPPY TO DO THAT.

23

24 **SUP. YAROSLAVSKY, CHAIRMAN:** HAVE WE CONCEDED THIS POINT ON THE
25 MECHANICAL THAT YOU JUST DESCRIBED?



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1

2 **DAVID HOWARD:** THAT ISSUE IS SETTLED, YES, SIR. WE'VE PAID THE
3 CHANGE ORDER ON THAT. IT WAS SPRING OF THIS YEAR.

4

5 **SUP. MOLINA:** BUT THAT'S THE ISSUE. THERE ARE STILL ISSUES
6 OUTSTANDING WITH H.O.K., CORRECT?

7

8 **DAVID HOWARD:** CORRECT.

9

10 **SUP. YAROSLAVSKY, CHAIRMAN:** ALL RIGHT. ANY OTHER QUESTIONS? DO
11 YOU EXPECT TO BE BACK HERE FOR MORE REQUESTS?

12

13 **DAVID HOWARD:** YES, SIR.

14

15 **SUP. MOLINA:** REALLY?

16

17 **SUP. YAROSLAVSKY, CHAIRMAN:** DO YOU KNOW WHAT THOSE REQUESTS
18 ARE GOING TO BE?

19

20 **DEBBIE LIZZARI:** I BELIEVE LIKE WITH ANY LARGE PROJECT, AFTER
21 THE PROJECT IS COMPLETED, WE BELIEVE AT THIS POINT, UNLESS
22 THEY TELL ME DIFFERENTLY, THAT THIS WILL CARRY US THROUGH THE
23 COMPLETION OF THE PROJECT. ONCE THE PROJECT IS COMPLETED,
24 HOWEVER, THERE'S ALWAYS THE ISSUE OF CLAIMS, CLAIMS BY SOME OF
25 THE CONTRACTORS AND SUBCONTRACTORS.



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1

2 **SUP. YAROSLAVSKY, CHAIRMAN:** THE CLOSEOUT ISSUES, I UNDERSTAND.

3

4 **DEBBIE LIZZARI:** CLOSEOUT, YES.

5

6 **SUP. YAROSLAVSKY, CHAIRMAN:** OTHER THAN THE CLOSEOUT ISSUES, DO
7 YOU EXPECT TO BE BACK HERE ASKING FOR MORE FUNDS?

8

9 **JACOB WILLIAMS:** NO. WE BELIEVE THIS WILL CARRY US THROUGH
10 COMPLETION OF THE PHYSICAL CONSTRUCTION BUT THERE WILL BE
11 CLOSEOUT ISSUES, SUPERVISOR.

12

13 **SUP. YAROSLAVSKY, CHAIRMAN:** OKAY. ANYTHING ELSE? ALL RIGHT.
14 DOES ANYBODY WANT TO BE HEARD ON THIS? NOBODY. WE HAVE THE
15 ITEM BEFORE US. KNABE MOVES. MOLINA SECONDS. UNANIMOUS VOTE.

16

17 **SUP. ANTONOVICH:** ITEM NUMBER 37?

18

19 **SUP. YAROSLAVSKY, CHAIRMAN:** 37. PETER BAXTER. MR. BAXTER?

20

21 **PETER BAXTER:** THANK YOU. MR. CHAIRMAN, MEMBERS OF YOUR
22 HONORABLE BOARD, MR. FUJIOKA, LADIES AND GENTLEMEN. MY NAME IS
23 PETER BAXTER AND I LIVE IN LOS ANGELES. THIS IS THE BEGINNING
24 OF THE SEVENTH YEAR SINCE 9/11 AND THE DISASTER OF THE TWIN
25 TOWERS IN MANHATTAN. NOTHING FORMALLY, SO FAR AS I KNOW, HAS



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1 OCCURRED IN THE TECHNOLOGY OF FIREFIGHTING SINCE THAT
2 PARTICULAR DATE. MY IMPRESSION IS WITHOUT-- MY IMPRESSION IS
3 THAT THE PEOPLE WHO DIED IN THAT DISASTER WOULD WELCOME A
4 METHOD OF CHANGING THE WAY OF FIGHTING FIRES TO ONE OF SUCCESS
5 RATHER THAN DISCUSSIONS ON THEIR HEROICS. THAT'S WHAT I'M
6 TRYING TO DO HERE. I'M TRYING TO SAY THERE'S ANOTHER WAY OF
7 DOING IT, A SUCCESSFUL WAY, BECAUSE A CANDLE BURNING IN A
8 GLASS CONTAINER, WHICH IS OPEN AT THE TOP, DEMONSTRATES
9 PRECISELY THE PHYSICS AND THE CHEMISTRY OF THE PROPOSAL TO
10 DENY FIRE OXYGEN. FIRST, THERE IS THE LIGHTING OF THE CANDLE.
11 IN THAT PROCESS, A FLAME IS APPLIED TO THE WICK OF THE CANDLE,
12 WHEREIN THE CANDLE IS IGNITED AND THE CANDLE'S WICK BURNS. OH,
13 SORRY, EXCUSE ME. I DIDN'T NOTICE THE TIME HAD RUN OUT. ALL OF
14 WHICH IS RESPECTFULLY SUBMITTED AND I THANK YOU, MR. CHAIRMAN.

15

16 **SUP. YAROSLAVSKY, CHAIRMAN:** THANK YOU, MR. BAXTER. NOBODY ELSE
17 WANTED TO BE HEARD. THE PUBLIC HEARING IS CLOSED. MR.
18 ANTONOVICH, DO YOU WANT TO MOVE IT? ITEM 37, DO YOU WANT TO
19 MOVE IT?

20

21 **SUP. ANTONOVICH:** MOVE IT.

22

23 **SUP. YAROSLAVSKY, CHAIRMAN:** SECONDED BY BURKE, WITHOUT
24 OBJECTION, UNANIMOUS VOTE.

25



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1 **SUP. ANTONOVICH:** ITEM NUMBER 43.

2

3 **SUP. YAROSLAVSKY, CHAIRMAN:** ITEM 43, MR. FUJIOKA? MR.

4 RUBALCAVA, YOU WANTED TO BE HEARD ON THIS, TOO. WHY DON'T WE

5 HEAR FROM YOU FIRST THEN WE'LL HEAR FROM THE C.E.O.

6

7 **RAMON RUBALCAVA:** GOOD MORNING, SUPERVISOR. GOOD MORNING. MY

8 NAME IS RAMON RUBALCAVA, AND I'M THE DIRECTOR OF RESEARCH AND

9 POLICY FOR S.E.I.U. 721, LOCAL 721. I'M HERE TODAY TO ADDRESS

10 YOUR BOARD REGARDING THE 2008 MEDICAL PLAN PREMIUM RATES AND

11 TO SPEAK TO THE UNION'S ROLE IN THAT RENEWAL PROCESS AND ALSO

12 OUR ROLE IN SECURING THE COST SAVINGS THROUGH THE UNION-

13 NEGOTIATED HEALTH INSURANCE COST MITIGATION GOALS AND

14 OBJECTIVES. THERE'S REALLY THREE POINTS HERE, SUPERVISOR.

15 FIRST, WE WANT TO LET YOUR BOARD KNOW THAT S.E.I.U. LOCAL 721

16 WAS AN ACTIVE PARTICIPANT IN THE ANNUAL RATE RENEWAL PROCESS

17 FOR THE OPTIONS BENEFIT PLANS. THE UNION'S BENEFIT

18 ADMINISTRATION COMMITTEE, WITH THE ASSISTANCE OF ITS BENEFIT

19 CONSULTANT, RAYMOND LESSON, TOOK PART IN THE DEVELOPMENT OF

20 THE ANNUAL REQUEST FOR RENEWAL DOCUMENTS THAT WAS PREPARED BY

21 MERCER, THE COUNTY'S BENEFIT CONSULTANT. SUBSEQUENTLY, THE

22 UNION AND ITS CONSULTANTS INDEPENDENTLY ANALYZED THE INITIAL

23 RATE RENEWAL PROPOSALS SUBMITTED BY THE MEDICAL PLAN RATE

24 CARRIERS, MEDICAL PLAN INSURANCE CARRIERS AND JOINTLY, WITH

25 THE COUNTY'S REPRESENTATIVES AND MERCER BENEFIT CONSULTANTS,



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1 THE UNION ENGAGED KAISER AND PACIFIC CARE AT THE JUNE 22ND
2 RATE RENEWAL MEETING AND TOOK PART IN SUBSEQUENT INTERACTIONS
3 FOR THE CARRIERS. THE UNION ALSO TOOK INDEPENDENT INITIATIVE,
4 MEETING WITH THE COALITION OF KAISER UNIONS AND CONTACTING THE
5 LABOR AND TRUST MANAGERS OF THE KAISER FOUNDATION. WE WERE
6 URGING THEM TO DROP THE 1.5 PERCENT PREMIUM LOAD FOR
7 PROSPECTIVE RISK DETERIORATION. WE WOULD LIKE TO SAY THAT THE
8 2008 RATE RENEWAL PROCESS WAS BOTH PRODUCTIVE AND FAVORABLE.
9 BOTH KAISER AND PACIFIC CARE FULLY ENGAGED IN THE RENEWAL
10 DISCUSSIONS AND BOTH CARRIERS WERE RESPONSIVE TO THE QUESTIONS
11 SUBMITTED. WE ARE PARTICULARLY PLEASED THAT KAISER AGREED TO
12 DROP THE 1.5 PERCENT PREMIUM LOAD IN RECOGNITION OF THE
13 UNION'S CONTINUED EFFORT TO PROMOTE EMPLOYEE WELLNESS AND ITS
14 IMPLEMENTATION OF THE COST MITIGATION GOALS AND OBJECTIVES
15 PROGRAM. THE KAISER DECISION TO DROP ITS PREMIUM RATE
16 TRANSLATED INTO A SAVINGS OF \$3.3 MILLION. I THINK THE FINAL
17 POINT HERE, SUPERVISORS, IS THAT THE UNION DEVELOPED HEALTH
18 INSURANCE COST MITIGATION GOALS AND OBJECTIVES CONTINUE TO BE
19 BENEFICIAL. THE MODEST RATE INCREASE OF KAISER CAN BE
20 ATTRIBUTED TO THE YEAR ROUND ENGAGEMENT AROUND THIS PROGRAM
21 AND THE MOST RECENT IMPLEMENTATION OF THE PLAN DESIGN CHANGES
22 THAT WERE AGREED TO IN THE 2006 CONTRACT THAT WERE ACTUALLY
23 CONSISTENT WITH THE C.G.M.O.S. AND, THIS JULY, WE LAUNCHED
24 THE, "MY HEALTH IS MY WEALTH" BONUS PROGRAM, WHICH WAS
25 DEVELOPED SPECIFICALLY FOR THE OPTION'S PARTICIPANTS AND USES



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1 FINANCIAL INCENTIVES AND REWARDS TO ENCOURAGE COUNTY EMPLOYEES
2 TO IMPROVE THEIR HEALTH IN USING THE CARRIER'S ONLINE HEALTH
3 ASSESSMENT TOOLS AND LIFESTYLE CHANGE PROGRAMS. WE LOOK
4 FORWARD TO FURTHER INITIATIONS-- FURTHER LAUNCHING OF NEW
5 ENHANCEMENTS, SUCH AS THE HEALTH AND SCREENING AND
6 PERSONALIZED BONUS COACHING WELLNESS STATION AT THE COUNTY'S
7 WELLNESS FAIRS. TO CONCLUDE, SUPERVISORS, I NOTE THAT, IN THE
8 BOARD LETTER, THE C.E.O. RECOMMENDS EXPLORING A LARGE EMPLOYER
9 CONSORTIUM. WHILE WE DON'T UNDERSTAND THE DETAILS OF THAT
10 PROPOSAL YET, WE DO WANT TO STATE THAT WE HAVE BEEN SUGGESTING
11 THAT THE COUNTY ENGAGE IN NEW PROCESSES AND ONE IDEA THAT WE
12 HAD SUGGESTED WAS JOINING THE CALIFORNIA HEALTHCARE COALITION,
13 WHICH, THIS YEAR, LAUNCHED A CERTAIN TOOL TO TARGET KAISER
14 INFORMATION GATHERING CAPACITIES. SINCE THE C.E.O. HAS A
15 PROPOSAL ON THE TABLE, WE WOULD ALSO LIKE TO ENTERTAIN
16 DISCUSSIONS LOOKING AT MOVING INTO THE MAIN-- MOVING THE
17 MEDICAL PLAN PROGRAMS INTO A TRUST, WHETHER A MULTI-EMPLOYER
18 TRUST OR UNION TRUST OR A LABOR MANAGEMENT TRUST. THANK YOU
19 FOR YOUR TIME.

20
21 **SUP. YAROSLAVSKY, CHAIRMAN:** THANK YOU, RAMON. MS. BURKE?

22
23 **SUP. BURKE:** I HAVE AN AMENDMENT. SHOULD I READ IT AT THIS
24 TIME?



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1 **SUP. YAROSLAVSKY, CHAIRMAN:** YES. THE COUNTY OF LOS ANGELES,
2 WITH THE SUPPORT OF MERCER HEALTH AND BENEFIT CONSULTING,
3 ANNUALLY ENGAGES IN EXTENSIVE ANALYSIS OF INSURANCE
4 UTILIZATION RATES, HOSPITALIZATION COSTS AND NUMEROUS OTHER
5 FACTORS AFFECTING OUR INCREASING HEALTHCARE PREMIUMS. DESPITE
6 REPEATED ATTEMPTS BY COUNTY STAFF AND MERCER, IT APPEAR THAT
7 WE HAVE CONTINUE TO EXPERIENCE DIFFICULTY WHEN ATTEMPTING TO
8 OBTAIN DATA WHICH WOULD VALIDATE THE UNSUBSTANTIATED
9 FLUCTUATIONS AND INCREASED HEALTHCARE INSURANCE PREMIUMS FROM
10 KAISER PERMANENTE. GIVEN THE CURRENT TREND OF ANNUAL
11 INCREASES, IT'S IMPERATIVE THAT THE COUNTY TAKE EVERY STEP
12 NECESSARY TO ENSURE FULL DISCLOSURE OF ALL NECESSARY DATA THAT
13 CAN LEAD TOWARDS STABILIZATION OR PERHAPS REDUCTION OF THESE
14 SKYROCKETING COSTS. I THEREFORE MOVE-- AND I'D LIKE TO SAY
15 THIS. I THINK THAT THE C.E.O. HAS COME FORWARD WITH WHAT IS
16 SOMETHING THAT WE REALLY ARE GOING TO HAVE TO DO AND THAT IS,
17 OF COURSE, TO MOVE FORWARD AND TRY TO BRING THE LARGE,
18 PARTICULARLY THE LOCAL ORGANIZATIONS, THE CITIES AND COUNTIES,
19 TOGETHER AND FOR US TO SHARE INFORMATION, AS WELL AS TO MOVE
20 FORWARD TO TRY TO COORDINATE AND TO SEE WHAT WE CAN DO
21 TOGETHER IN ORDER TO NOT SEE A CONTINUAL INCREASE IN THESE
22 COSTS. SO I'M THEREFORE MOVING THAT WE DIRECT THE C.E.O. TO
23 IMMEDIATELY FORM AND LEAD A TASKFORCE COMPRISED INTERNALLY OF
24 THE DEPARTMENT OF HUMAN RESOURCES AND THE AUDITOR CONTROLLER,
25 WORKING IN CONCERT WITH MERCER HEALTH AND BENEFITS, TO



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1 ACTIVELY SOLICIT PARTICIPATION FROM OTHER LOCAL GOVERNMENT
2 JURISDICTIONS IN ORDER TO EXAMINE THE FEASIBILITY OF FORMING A
3 STATEWIDE CONSORTIUM OF LOCAL GOVERNMENT BODIES SEEKING TO
4 OBTAIN INDUSTRY STANDARD DATA WHICH WOULD VALIDATE INCREASING
5 HEALTHCARE INSURANCE RATES FROM KAISER PERMANENTE AND OTHER
6 INSURANCE PROVIDERS. THE PRIMARY PURPOSE OF THIS CONSORTIUM
7 SHALL BE TO JOINTLY EXPLORE ALL OPTIONS NECESSARY TO ADDRESS
8 THE ISSUES OF INFORMATION DISCLOSURE AND TO FULLY EXAMINE
9 OPPORTUNITIES FOR L.A. COUNTY TO IMPLEMENT INNOVATIVE
10 HEALTHCARE INSURANCE COST SAVINGS INITIATIVES BEYOND OUR COST
11 MITIGATION GOALS AND OBJECTIVE PROGRAMS. THE ANALYSIS SHALL
12 CONSIST OF PROGRAMS INCLUDED BUT NOT LIMITED TO THOSE UTILIZED
13 BY OTHER LARGE EMPLOYERS, PUBLIC AND PRIVATE. FOR EXAMPLE,
14 OTHERS REPORTEDLY ACHIEVE SAVINGS IN THEIR PREMIUM THROUGH ON-
15 SITE EXERCISE FACILITIES, NUTRITION EDUCATION. I KNOW THAT
16 SOME EMPLOYERS, I UNDERSTAND, IN WASHINGTON, THE STATE OF
17 WASHINGTON, THEY GIVE DIFFERENT RATES FOR PEOPLE BASED UPON
18 THEIR COMMITMENT TO AN EXERCISE PROGRAM AND A WEIGHT REDUCTION
19 PROGRAM AND APPARENTLY THAT HAS BEEN VERY EFFECTIVE IN THE
20 STATE OF WASHINGTON AND THE SEATTLE AREA. BUT THERE ARE ANY
21 NUMBER OF THINGS. I THINK THEY GIVE DIFFERENT PREMIUMS TO
22 THOSE WHO ARE PARTICIPATING IN THOSE PROGRAMS. ALSO, WE KNOW
23 THAT, IN SAN DIEGO, THERE HAVE BEEN SOME VERY EFFECTIVE
24 PROGRAMS, AND PARTICULARLY WITH THE FIRE DEPARTMENT IN TERMS
25 OF REDUCING SOME OF THEIR RATES. AND I'M NOT SAYING THAT



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1 THAT'S WHAT WE SHOULD DO NECESSARILY IN TERMS OF INCREASING
2 THE COST IN TERMS OF USE OF EMERGENCY FACILITIES. I'M NOT
3 SAYING THAT. BUT CERTAINLY WE KNOW THAT THOSE THINGS HAVE BEEN
4 SUCCESSFUL IN SOME PLACES. BUT THAT WE DETERMINE THE BEST
5 LEGISLATIVE ALTERNATIVES AT BOTH STATE AND FEDERAL LEVEL THAT
6 WOULD MANDATE FULL DISCLOSURE OF INDUSTRY STANDARD
7 INFORMATION, ALLOWING THE COUNTY TO VALIDATE KAISER
8 PERMANENT'S AND OTHER INSURER'S HEALTHCARE RATES AND DIRECT
9 THE C.E.O. TO REPORT BACK WITH HIS FINDINGS WITHIN 60 DAYS.

10

11 **SUP. YAROSLAVSKY, CHAIRMAN:** IS THERE ANY OBJECTION TO THE
12 MOTION?

13

14 **SUP. ANTONOVICH:** I HAVE AN AMENDMENT BUT I WANT TO ASK SOME
15 QUESTIONS.

16

17 **SUP. YAROSLAVSKY, CHAIRMAN:** ANTONOVICH WILL SECOND THE MOTION,
18 SO, WITHOUT OBJECTION, THAT AMENDMENT IS APPROVED. NOW MR.
19 ANTONOVICH?

20

21 **SUP. ANTONOVICH:** THE QUESTION I HAVE IS THERE SEEMS TO BE
22 DISPARITY IN RATE INCREASES. 721 UNION IS GETTING A 0.2
23 PERCENT INCREASE. THE COALITION IS 2.2 PERCENT INCREASE BUT
24 THE NONREPRESENTED IS 15.1 PERCENT AND THE MERCER STUDY HAD
25 HIGHLIGHTED A FEW OF THESE DISCREPANCIES AND KAISER STILL



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1 FAILS TO PROVIDE ADEQUATE RECONCILIATIONS FOR THE COUNTY TO
2 VALIDATE THESE RATE CHARGES AND THE COUNTY HAS BEEN ASKING FOR
3 THIS INFORMATION FOR AN EXTENDED PERIOD OF TIME. AND SO I
4 WOULD LIKE TO HAVE A REPORT ON THE MERCER STUDY FINDINGS
5 PRESENTED TO THE BOARD OF SUPERVISORS.

6

7 **FRANK FRAZIER:** MY NAME IS FRANK FRAZIER. I'M REPRESENTING THE
8 CHIEF EXECUTIVE OFFICE. AND I HAVE WITH ME TODAY MARCEY BURNS
9 FROM MERCER HUMAN RESOURCE CONSULTING. SHE CAN LAY OUT FOR
10 YOU, SUPERVISOR, SOME OF THE ISSUES THAT WERE INVOLVED IN
11 THOSE DIFFERENCES. MARCEY?

12

13 **MARCEY BURNS:** HELLO, I'M MARCEY BURNS WITH MERCER HUMAN
14 RESOURCE CONSULTING. I WANT TO MAKE SURE WE'RE TALKING ABOUT
15 THE SAME REPORT. YOU MENTIONED THE MERCER AUDIT. ARE YOU
16 TALKING ABOUT THE 2007 AUDIT RATE REPORT?

17

18 **SUP. ANTONOVICH:** YEAH. THIS ONE RIGHT HERE.

19

20 **MARCEY BURNS:** YES. OKAY. OUR FINDINGS FROM THAT REPORT-- THAT
21 REPORT WAS-- THE OBJECTIVE WAS TO LOOK BACK AT THE DATA THAT
22 KAISER PROVIDED FOR THE 2007 RATE RENEWALS AND ASCERTAIN THERE
23 WERE PROBLEMS WITH THEIR RATE DEVELOPMENT PROCESS AND THE DATA
24 THAT THEY USED. WE WERE ABLE TO LOOK AT VERY, VERY DETAILED
25 CLAIM INFORMATION. KAISER DID COMPLY WITH THE REQUEST. IT TOOK



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1 AWHILE TO GET IT BUT THEY DID COMPLY WITH ALL THE DATA THAT WE
2 ASKED FOR AND WE DID REVIEW THEIR RATE DEVELOPMENT IN CONCERT
3 WITH THAT INFORMATION. WE FOUND ONE ERROR THAT WAS ON THE
4 REPRESENTED PLAN AND KAISER DID AGREE TO THAT ERROR AND DID
5 CREDIT THAT IN THE 2007/'08-- 2008 RATE RENEWAL. WE FOUND
6 OTHER AREAS OF DIFFERENCE, SOME OF THEM RELATIVELY SMALL, THE
7 TYPE OF THING ONE MIGHT SEE IN ANY SORT OF AUDIT, AND OTHERS
8 WERE LARGER, AND WE WOULD CALL THOSE A DIFFERENCE OF
9 PROFESSIONAL OPINION. WE CAN'T GET BEHIND THE SCENES ENOUGH TO
10 SEE KAISER'S RATE DEVELOPMENT IN RESPECT WITH THE RESERVES
11 THAT THEY HOLD FOR CLAIMS WHICH ARE INCURRED DURING A POLICY
12 PERIOD AND PAID LATER. WE CAME UP WITH A SMALLER NUMBER THAN
13 KAISER DID BUT THEY WILL NOT AGREE TO OUR NUMBER. AND THERE
14 WERE SOME ASPECTS OF THE DATA THAT WE WERE NOT ABLE TO FULLY
15 UNDERSTAND AROUND SOME OF THE INPATIENT CLAIMS. WE ALSO HAD AN
16 AUDITOR GO AND REVIEW 180 INDIVIDUAL CLAIMS. THE FINDINGS FOR
17 THAT REVIEW ARE IN THE REPORT BUT IT DID GIVE US THE ASSURANCE
18 THAT THERE WAS NOT-- THAT THE DATA WAS FOR SERVICES PROVIDED
19 TO COUNTY MEMBERS. WE ULTIMATELY ENDED UP WITH A DIFFERENCE, A
20 COUPLE PERCENT DIFFERENCE IN THE TOTAL RATE DEVELOPMENT, AND,
21 AGAIN, KAISER AGREED TO SOME OF THOSE THINGS AND DID NOT FOR
22 ALL OF IT.

23
24 **SUP. ANTONOVICH:** THE QUESTION IS, WHEN YOU HAVE AN INCREASE OF
25 15.1 PERCENT FOR ONE GROUP AND AN INCREASE AS LOW AS 0.2



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1 PERCENT, WHY THE DISCREPANCY? AND HOW ARE WE VALIDATING THIS
2 TYPE OF INCREASE?

3

4 **MARCEY BURNS:** YEAH. THE INCREASES ARE-- THE TWO GROUPS ARE
5 RATED SEPARATELY BY KAISER USING A SIMILAR METHODOLOGY FOR
6 BOTH. FOR BOTH OF THEM, IT STARTS OFF WITH THE ACTUAL
7 UTILIZATION BY COUNTING MEMBERS, THE ACTUAL SERVICES AND THE
8 COSTS ASSOCIATED WITH THOSE SERVICES AS ASSIGNED BY KAISER.
9 THE DIFFERENCE IS, IF WE LOOK BACK TO THE 2007 RENEWAL, WE
10 ACTUALLY SAW A RATHER OPPOSITE RESULT, A MUCH LOWER RENEWAL
11 FOR THE NONREPRESENTED PLAN AND A MUCH HIGHER RENEWAL FOR THE
12 REPRESENTED PLAN. WE ACTUALLY ARE CONCERNED ABOUT THE
13 MAGNITUDE OF THESE FLUCTUATIONS. IT'S RATHER UNUSUAL IN GROUPS
14 OF THIS SIZE. WE REALLY EXPECT-- OUR EXPECTATION WOULD BE THAT
15 THE COUNTY POPULATION WOULD TEND TO BE MORE TOWARDS KAISER'S
16 AVERAGE FOR THE BUSINESS NORM, WHICH WAS ABOUT 9 PERCENT FOR
17 THE 2008 RENEWALS. KAISER DID PROVIDE US AGAIN WITH A FILE FOR
18 THE CLAIMS THIS YEAR. WE DID VERIFY THAT THE FILE MATCHES
19 THEIR TOTAL RATE RENEWAL. THEY HAVE MOVED ALONG THE LINE OVER
20 THE LAST COUPLE MONTHS TO PROVIDE US ADDITIONAL STATISTICAL
21 INFORMATION ABOUT WHAT HAS CHANGED YEAR OVER YEAR. WE'RE NOT
22 QUITE AT THE POINT WHERE THEY'RE ABLE TO TIE THAT BACK TO THE
23 RATE DEVELOPMENT. THERE WAS A CHANGE IN THE UTILIZATION. THE
24 UTILIZATION FOR THE MANAGEMENT PLAN WAS HIGHER THAN IT WAS
25 LAST YEAR. THERE WERE MORE CLAIMS IN MORE COSTLY CATEGORIES.



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1 AND THE UTILIZATION FOR THE REPRESENTED PLAN WAS MUCH, MUCH
2 LOWER THAN IT HAD BEEN IN THE PRIOR YEAR. WHAT WE WOULD EXPECT
3 KAISER TO DO IS TO CONTINUE TO EVOLVE THEIR REPORTING SKILLS
4 AND CAPABILITIES TO BE ABLE TO REPORT THIS TO A COUNTY ON A
5 MORE TIMELY BASIS BEFORE WE GET TO THE RENEWAL PROCESS EACH
6 YEAR AND TO BE ABLE TO REALLY DEVOTE SOME OF THE RESOURCES TO
7 UNDERSTANDING WHY THESE CHANGES IN UTILIZATION ARE ACTUALLY
8 OCCURRING.

9

10 **SUP. ANTONOVICH:** ARE WE MONITORING THE RATES THAT OTHER
11 GOVERNMENTAL AGENCIES ARE HAVING, SO WE TRACK THOSE RATES TO
12 SEE WHAT THOSE INCREASES ARE? ARE THEY IN LINE WITH THE
13 INCREASES THAT WE ARE EXPERIENCING IN OUR COUNTY? AND COULD
14 YOU ADVISE US-- WHAT IS YOUR TRACKING OF OTHER JURISDICTIONS
15 INCREASES?

16

17 **MARCEY BURNS:** WE DID GET, DURING THE RATE RENEWAL PROCESS, I
18 THINK WE DID HAVE-- I DON'T REMEMBER THE EXACT NUMBERS BUT WE
19 DID TAKE A LOOK AT WHAT SOME OF THE OTHER PUBLIC ENTITIES WERE
20 BEING CHARGED BY KAISER. THERE WAS A VARIANCE. WE DO KNOW THAT
21 KAISER'S AVERAGE HEALTH PLAN BOOK OF BUSINESS FOR SOUTHERN
22 CALIFORNIA WAS ABOUT A 9% RENEWAL FOR 2008. SO THE REPRESENTED
23 PLAN ACTUALLY CAME IN AT A VERY, VERY FAVORABLE RESULT. THE
24 NONREPRESENTED PLAN, OF COURSE, IS HIGHER.

25



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1 **SUP. ANTONOVICH:** SO WE'RE SAYING THAT OTHER JURISDICTIONS ARE
2 HAVING A DISCREPANCY IN THEIR RATES THAT ARE AS EXTREME AS
3 L.A. COUNTY?

4

5 **MARCEY BURNS:** I DON'T THINK WE HAVE SEEN ANY OTHERS THAT ARE
6 AS DIFFERENT FROM THE 9 PERCENT AVERAGE BUT THEY'RE NOT 9
7 PERCENT.

8

9 **SUP. ANTONOVICH:** HOW DO WE PREVENT KAISER'S LOW BALLING
10 OCCURRING AND HAVING ANOTHER GROUP OF OUR EMPLOYEES
11 SUBSIDIZING THAT LOWBALL FIGURE?

12

13 **MARCEY BURNS:** YEAH. WELL, WE DO BELIEVE THAT YOUR RATES, THE
14 COUNTY'S RATES, ARE ACTUALLY DEVELOPED, BASED AND PROJECTED ON
15 THE ACTUAL UTILIZATION OF ONLY THE COUNTY'S POPULATIONS. WHEN
16 WE SPEAK TO THE CLAIMS DATA THAT KAISER HAS PROVIDED AND WE
17 LOOKED AT THE-- FOR OUR 2007 RATE REVIEW AUDIT, WE ACTUALLY
18 TOOK A STATISTICALLY VALID SAMPLE OF THOSE AND VERIFIED THAT
19 THOSE CLAIMS WERE FROM COUNTY MEMBERS.

20

21 **SUP. YAROSLAVSKY, CHAIRMAN:** THE MERCER STUDY INDICATED THAT
22 THERE WERE OVERCHARGES BEING DONE BY KAISER. WHAT ARE WE DOING
23 TO ENSURE THAT THERE AREN'T GOING TO BE FUTURE OVERCHARGES?

24

25 **MARCEY BURNS:** WELL, THE AREAS OF WHAT WE DETERMINED TO BE...



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1

2 **SUP. ANTONOVICH:** HOW DO YOU MONITOR THAT?

3

4 **MARCEY BURNS:** KAISER PROVIDES AN ANNUAL FILE AND THEY DID
5 PROVIDE ONE FOR THIS YEAR. ONE AREA THAT WE FOUND THAT WAS AN
6 ISSUE LAST YEAR, THEY DID AGREE TO CREDIT THAT MONEY. THEY HAD
7 AN ERROR IN THE WAY THEY WERE RUNNING THEIR REPORTS. AND THE
8 OTHER AREA OF DISCREPANCY WAS THE INCURRED BUT NOT REPORTED
9 RESERVE ESTIMATE AND THIS IS AN AREA OF WHAT WE WOULD CALL
10 ACTUARIAL OPINION AND THE BEST WE CAN DO IS NEGOTIATE FOR THE
11 CARRIERS. AND THIS IS AN ISSUE FOR NOT JUST KAISER BUT WITH
12 THE OTHER CARRIERS, AS WELL, IN TERMS OF WHAT THEIR RESERVE
13 LEVELS ARE.

14

15 **SUP. ANTONOVICH:** IS KAISER MAKING AVAILABLE INFORMATION FOR
16 REVIEW BY THE COUNTY TO ENSURE TRANSPARENCY?

17

18 **MARCEY BURNS:** THEY HAVE BEEN CERTAINLY MORE TRANSPARENT THIS
19 YEAR THAN LAST YEAR. THEY DID DELIVER A FILE...

20

21 **SUP. ANTONOVICH:** BUT LAST YEAR THEY WERE AT ZERO, SO DOES THAT
22 MEAN THEY WENT TO ONE THIS YEAR OR TWO?

23

24 **MARCEY BURNS:** NO, THEY DID IMPROVE. WHERE WE THINK THEY CAN
25 CONTINUE TO IMPROVE IS ON PROVIDING DATA ON A MUCH MORE TIMELY



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1 BASIS, SIMILAR TO WHAT THE OTHER HEALTH PLANS DO. THEY LAG
2 QUITE A BIT BEHIND IN TERMS OF DELIVERY OF THAT DATA.

3

4 **SUP. ANTONOVICH:** WILL WE BE DOING AN R.F.P. FOR OTHER
5 PROVIDERS IF KAISER DOES NOT PROVIDE THE ADEQUATE ACCOUNTING?

6

7 **MARCEY BURNS:** I...

8

9 **RAMON RUBALCAVA:** THAT'S ONE OF OUR SUGGESTIONS. ALTHOUGH
10 THERE'S BEEN AN IMPROVEMENT, CANDIDLY, KAISER NEEDS TO BE A
11 BETTER PARTNER. KAISER IS NOT GIVING US ALL THE INFORMATION
12 THAT'S NEEDED. THE INCREASES, IF YOU LOOK AT THE INDUSTRY
13 STANDARD, AT LEAST FOR THIS AREA, IS AT 9 PERCENT. THEY NEED
14 TO FULLY JUSTIFY WHY WE WENT TO 15 PERCENT. YES, THE
15 REPRESENTED STAFF HAD A VERY FAVORABLE INCREASE BUT WHEN I MET
16 WITH 721, I TOLD THEM, OKAY, THAT WAS FINE FOR THIS YEAR BUT,
17 IF YOU LOOK AT THE LAST FIVE YEARS, IT'S BEEN IN EXCESS OF 30
18 PERCENT. WHEN YOU LOOK AT IT IN ITS TOTALITY, I DON'T FEEL
19 THAT WE'RE GETTING THE BEST RATE POSSIBLE FROM KAISER. KAISER
20 FEELS THAT WE'RE MORE OR LESS KIND OF A TRAPPED AUDIENCE.
21 GOING OUT TO OUR FEE ON OCCASION, IS A GOOD-- I DON'T WANT TO
22 USE A PUN, BUT IT'S A HEALTHY THING TO DO FOR OUR BENEFIT
23 PROGRAM. HAVING KAISER STEP UP AND BE THE PARTNER THAT THEY
24 HAVE BEEN WITH US FOR MANY, MANY YEARS IS CRITICAL BUT PART OF
25 THAT IS OPENING THEIR BOOKS AND SHOWING US THE INFORMATION.



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1 BECAUSE, IF WE TALK ABOUT UTILIZATION INCREASES, TO JUSTIFY A
2 VARIANCE FROM 9 TO 15 PERCENT OR JUST THE 15 PERCENT INCREASE,
3 NORMALLY, YOU'D HAVE TO SEE SOME VERY DRASTIC INCREASES IN
4 UTILIZATION. I DON'T FEEL WE'VE ACTUALLY SEEN THAT AND SO WE
5 NEED TO SEND A MESSAGE TO KAISER, AT THE VERY MINIMUM, TO GIVE
6 US THAT TRANSPARENCY AND TO GIVE US THE INFORMATION. I THINK
7 IT WOULD HELP US AS AN INSTITUTION, AS ONE ENTITY, TO TALK
8 WITH OUR-- THE OTHER LARGE EMPLOYERS, PUBLIC EMPLOYERS IN THE
9 AREA, WHETHER IT'S A SCHOOL DISTRICT, THE CITY OF L.A., THE
10 STATE, OTHER RETIREMENT SYSTEMS AND JUST SIT DOWN AND HAVE
11 THAT DISCUSSION BECAUSE, WHEN I WORKED DOWN THE STREET, I HAD
12 THE SIMILAR FRUSTRATION IN DEALING WITH KAISER. THEY FEEL THAT
13 WE JUST WON'T CHANGE.

14

15 **SUP. ANTONOVICH:** SHARON, I'D LIKE TO MOVE THAT, BECAUSE OF
16 THESE DISCREPANCIES IN KAISER'S RATE INCREASES, THAT THE BOARD
17 DIRECT THE C.E.O. TO REPORT BACK IN 60 DAYS WITH THE
18 FEASIBILITY OF NEGOTIATING WITH KAISER AS ONE BARGAINING UNIT
19 AND THE REPORT SHOULD INCLUDE AN ACTUARIAL TO DETERMINE IF
20 THIS COULD RESULT IN A BETTER RATE FOR COUNTY EMPLOYEES.

21

22 **SUP. YAROSLAVSKY, CHAIRMAN:** MR. KNABE?

23

24 **SUP. KNABE:** YEAH, THIS IS A VERY FAMILIAR CONVERSATION. IT
25 SEEMS LIKE A REPEAT OF LAST YEAR. IT REMINDS ME OF WHAT THE



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1 LEGISLATURE DID. WE WENT TO THE VOTERS FOR PROP 1-A TO PROTECT
2 OUR PROPERTY TAXES SO, IN THIS BUDGET YEAR, THEY TAKE OUT
3 TRANSPORTATION DOLLARS BECAUSE THAT WASN'T INCLUDED IN PROP 1-
4 A. WE'RE GOING THROUGH THE SAME DISCUSSION WE HAD WITH KAISER
5 LAST YEAR WHERE WE PUSHED BACK BECAUSE OF THE OUTRAGEOUS
6 INCREASES WITH THE COALITION AND OTHER UNION MEMBERS. AND NOW,
7 THIS YEAR, THEY'RE REVERSING IT AND JAMMING IT TO THE
8 NONREPRESENTED AND WE STILL HAVE A FIGHT FOR INFORMATION. SO
9 THAT'S WHAT REALLY BOTHERS ME. I MEAN, WE'RE AT THE SAME POINT
10 TODAY IN THIS DISCUSSION THAT WE WERE ONE YEAR AGO, JUST
11 DIFFERENT GROUPS. AND REGARDLESS OF WHAT THEY MAY SAY OR HOW
12 THEY VALUE IT, IT REALLY LOOKS LIKE, EACH YEAR, THEY COME BACK
13 AND ONE GROUP OF OUR EMPLOYEES ARE SUBSIDIZING THE OTHER GROUP
14 OF EMPLOYEES. AND I JUST THINK THAT THEY REALLY NEED TO BE UP
15 FRONT WITH US. I MEAN, KAISER, I WILL ADMIT, IS A GREAT
16 CORPORATE CITIZEN. THEY'RE ALWAYS OUT THERE IN THE PUBLIC BUT
17 YOU KNOW, IN THESE KINDS OF SITUATIONS, THEY REALLY-- WE
18 DESERVE TO GET THAT INFORMATION BECAUSE IT REALLY DOESN'T PASS
19 THE SMELL TEST. IT LOOKS LIKE, EACH YEAR, THEY USE ONE GROUP
20 OF OUR EMPLOYEES TO SUBSIDIZE ANOTHER GROUP OF OUR EMPLOYEES.
21 AND WE NEED TO CONTINUE TO PUSH BACK AND DO WHATEVER IS
22 NECESSARY TO GET THE INFORMATION TO JUSTIFY IT. IT MAY BE
23 JUSTIFIED. BUT, YOU KNOW, YOU KIND IT SORT OF HARD TO BELIEVE,
24 EACH YEAR, THAT, YOU KNOW, LIKE, WE FORGET WHERE WE WERE A
25 YEAR AGO. SO I SUPPORT THE MOTION. WE NEED TO GET THAT BACK



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1 AND REALLY, AT SOME POINT, KAISER NEEDS TO KNOW WE'RE REALLY
2 SERIOUS ABOUT THIS.

3

4 **SUP. YAROSLAVSKY, CHAIRMAN:** I JUST WANT TO ECHO THE COMMENTS.
5 I MEAN, THIS IS ACTUALLY THE SAME STORY, IT'S JUST REVERSED A
6 LITTLE BIT. THIS YEAR, THE NON-REPS ARE GETTING HIT AND THE
7 UNIONS ARE DOING WELL AND IT'S APPROPRIATE FOR THE UNIONS TO
8 BE DOING WELL BECAUSE THEY'VE TAKEN IT IN THE SHORTS FOR SO
9 MANY YEARS. HOWEVER, WHEN THE UNIONS GOT THE 14 OR 15 PERCENT
10 HIT, WE COVERED FOR PART OF THAT IN OUR NEGOTIATIONS. I DON'T
11 KNOW THAT WE'RE GOING TO BE DOING THAT-- I MEAN, IT WAS-- WHEN
12 I SAY COVERED IT, WE, IN OUR NEGOTIATIONS AS FAR AS THE
13 CONTRACTS WERE CONCERNED, THAT WAS ONE OF THE THINGS THAT WAS
14 TAKEN INTO ACCOUNT IN THE DEVELOPMENT OF THE CONTRACT. THIS,
15 FOR THE NON-REPS, AND WHAT DO WE HAVE, 10,000 OR SO NON-REPS
16 IN THE COUNTY? THIS WIPE OUT THEIR COST OF-- THIS ONE PREMIUM
17 INCREASE JUST ABOUT WIPE OUT THEIR COST OF LIVING FOR THREE
18 YEARS. 15 PERCENT. THIS IS A ONE-YEAR INCREASE, 15 PERCENT?

19

20 **MARCEY BURNS:** THAT'S RIGHT.

21

22 **SUP. YAROSLAVSKY, CHAIRMAN:** SO IT'S-- OVER THE THREE YEARS, IT
23 WILL WIPE OUT-- EAT UP THE COLA. THAT'S A BIG HIT. AND I'M
24 JUST-- I'M NOT SURE I UNDERSTAND THE RATIONALE. I GUESS THE
25 EXPLANATIONS I'VE GOTTEN IS THE NON-REPS ARE OLDER. SOME OF



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1 THE INCENTIVES THAT ARE OFFERED IN THE UNION IN TERMS OF
2 EXERCISE AND HEALTH-- PREVENTION ON THE HEALTH SIDE AND THINGS
3 LIKE THAT ARE NOT INCLUDED IN THE NON-REP SIDE. THAT WOULD BE
4 EASY ENOUGH TO REMEDY IF THAT WOULD TAKE THE PREMIUMS DOWN
5 FROM A 15 PERCENT INCREASE TO A 0.2 PERCENT INCREASE OR A 2.2
6 PERCENT INCREASE. I THINK IT JUST-- IT JUST DOESN'T-- IT
7 DOESN'T MAKE SENSE. IT DOESN'T MEET THE SMELL TEST THAT ONE
8 GROUP OF EMPLOYEES, THE LION'S SHARE OF OUR EMPLOYEES, GET ONE
9 SET OF INCREASES THAT ARE DIMINIMUS AND ANOTHER SET OF
10 EMPLOYEES GET CLOBBED. THIS IS AS HIGH A ONE-TIME INCREASE
11 AS I THINK ANY-- SINCE I'VE BEEN HERE-- THAT ANY GROUP, UNION,
12 721 OR 660, WHEN IT WAS 660, OR THE COALITION HAS HAD. I'M NOT
13 SURE-- DO YOU RECALL ANYTHING HIGHER THAN 15 PERCENT IN ONE
14 YEAR? WAS THERE ONE?

15

16 **MIKE HENRY:** MR. CHAIRMAN, MIKE HENRY, DIRECTOR OF HUMAN
17 RESOURCES. WE WENT FROM A 3.3 PERCENT INCREASE LAST YEAR TO A
18 15 PERCENT INCREASE THIS YEAR. THAT'S THE HIGHEST.

19

20 **SUP. YAROSLAVSKY, CHAIRMAN:** SO THIS IS THE HIGHEST?

21

22 **MIKE HENRY:** THIS IS THE HIGHEST. LAST YEAR, I BELIEVE THE
23 COALITION AND 721 ENDED UP WITH ABOUT 13 PERCENT.

24

25 **SUP. YAROSLAVSKY, CHAIRMAN:** YEAH. AND THAT WAS HIGH.



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1

2 **MIKE HENRY:** THAT WAS HIGH.

3

4 **SUP. YAROSLAVSKY, CHAIRMAN:** AND WE MADE-- AND WE ENGAGED ON
5 THAT ISSUE. BUT IT'S ALMOST AS THOUGH THE NON-REPS ARE PAYING
6 FOR THE-- THROUGH THEIR 15 PERCENT INCREASE, FOR THE DIMINIMUS
7 INCREASE THAT EVERYBODY ELSE IS GETTING. OBVIOUSLY, THE
8 ARITHMETIC WOULDN'T WORK OUT QUITE THAT WAY BUT YOU COULDN'T
9 HELP TO COME TO THAT CONCLUSION OR SUSPECT THAT MOTIVATION.

10

11 **MIKE HENRY:** AND THE RATIONALE THAT WE'RE OLDER AND MORE COSTLY
12 BECAUSE WE USE THE MEDICAL MORE, THIS IS A ONE YEAR VARIANCE.
13 WE'RE ONE YEAR OLDER, THIS GROUP, IF YOU WILL, FROM 3.3
14 PERCENT LAST YEAR TO 15 PERCENT. SO THE AGE ISSUE IS ONE
15 THAT...

16

17 **SUP. YAROSLAVSKY, CHAIRMAN:** I DON'T EVEN THINK WE'RE OLDER. [
18 LAUGHTER]

19

20 **SUP. YAROSLAVSKY, CHAIRMAN:** SOME PEOPLE HAVE RETIRED.

21

22 **MIKE HENRY:** YOU BET.

23

24 **SUP. YAROSLAVSKY, CHAIRMAN:** SO I'LL BET YOU THAT EVERYBODY IS
25 ABOUT THE SAME AGE THAT'S IN THIS CATEGORY. SO WHAT HAS CAUSED



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1 THIS 3 TO 15 PERCENT, THIS MASSIVE INCREASE? A FOUR-FOLD
2 INCREASE. MORE THAN-- ALMOST FIVE-FOLD INCREASE IN THIS
3 DEMOGRAPHIC? IT DOESN'T STAND TO REASON.

4

5 **MIKE HENRY:** IT DOESN'T STAND TO REASON, YOU BET.

6

7 **SUP. YAROSLAVSKY, CHAIRMAN:** I MEAN, AS BAD AS WE ARE HEALTH
8 WISE, WE HAVEN'T-- OUR HEALTH HAS NOT DIMINISHED FIVE-FOLD.

9

10 **MIKE HENRY:** AND THAT'S THE CRUX. THAT'S THE CONCERN. BECAUSE,
11 CONVERSELY, WHEN YOU LOOK AT THE NON-REPS, I MEAN THE
12 REPRESENTED EMPLOYEES HAVE THEIR UTILIZATION FACTORS REDUCED
13 SIGNIFICANTLY TO GO FROM 13 TO 1.5. IT DOESN'T MAKE ANY SENSE.

14

15 **SUP. YAROSLAVSKY, CHAIRMAN:** IS THERE ANY-- THESE MOTIONS THAT
16 HAVE BEEN PRESENTED, IS THERE ANYTHING-- WHEN WERE THESE
17 EFFECTIVE? JANUARY 1ST? IS THERE ANYTHING THAT CAN BE DONE IN
18 FURTHER DISCUSSIONS WITH KAISER ON THE NON-REP SIDE? IN THE
19 IMMEDIATE, IN THE DAYS AHEAD?

20

21 **FRANK FRAZIER:** WE'VE PUT THEM THROUGH THE RINGER THIS YEAR
22 JUST AS WE DO IN OTHER YEARS. IN FACT, WE PUT ALL OUR CARRIERS
23 THROUGH THE RINGER EVERY YEAR ON RATE ADJUSTMENTS. KAISER HAS
24 GIVEN US THEIR LAST, BEST AND FINAL. AFTER-- AND MARCEY CAN
25 COMMENT INDEPENDENTLY BUT AFTER GOING AFTER-- THEY HAVE BEEN



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1 GOING AFTER THEM, WE DO NOT BELIEVE THAT THEY ARE GOING TO
2 CHANGE THEIR POSITION BECAUSE THEIR POSITION IS BUDGET-DRIVEN.
3 THEY DON'T OPERATE LIKE OTHER CARRIERS. THEY'RE NOT EXPENSE-
4 DRIVEN. THEY'RE NOT PROFIT-DRIVEN. THEIR DEED IS TO MEET THEIR
5 BUDGET. AND, ONCE THEY ALLOCATE THEIR BUDGET TO THEIR
6 CONSUMERS, AND WE'RE ONE OF THE LARGEST ONES, THEY WANT
7 STABILITY AFTER THAT POINT. WE CAN MAKE A TRY, SUPERVISOR,
8 BUT, FRANKLY, I HAVE TO TELL YOU THAT THE ODDS OF SUCCESS ARE
9 NOT HIGH, GIVEN THE ATTITUDE THAT THEY HAVE TAKEN TOWARDS
10 NEGOTIATIONS.

11

12 **SUP. MOLINA:** MR. CHAIRMAN?

13

14 **SUP. YAROSLAVSKY, CHAIRMAN:** SUPERVISOR MOLINA?

15

16 **SUP. MOLINA:** YOU KNOW, I DON'T BUY THAT COMPLETELY BECAUSE I
17 REMEMBER THE UNIONS FOUR YEARS AGO WHEN THEY WERE INVOLVED
18 VERY AGGRESSIVELY WITH KAISER. AGGRESSIVELY. AND THEY GOT
19 TOSSED OUT OF THE ROOM THREE OR FOUR TIMES. THEY WENT BACK IN.
20 THEY HAD FIGURES. THEY HAD NUMBERS. THEY WERE VERY, VERY
21 AGGRESSIVE. THAT'S THE DIFFERENCE HERE. AND WE HAVEN'T REALLY
22 TAKEN A VERY AGGRESSIVE STAND. WE'VE BEEN ROLLING WITH THIS
23 THING ON A REGULAR BASIS AND I THINK THAT, YOU KNOW, THERE HAS
24 TO BE A PLAN TO BE AGGRESSIVE. AS FAR AS NOT BEING PROFIT
25 MAKING, I DON'T BUY IT. THAT'S THEIR COST. IF IT'S NOT, THEN



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1 TELL US. THEY DON'T TELL YOU. SO YOU DON'T KNOW. SO THAT'S
2 WHAT WE NEED TO CHANGE IS OUR ATTITUDE NEEDS TO BE MUCH MORE
3 AGGRESSIVE. WE'RE THE LARGEST EMPLOYER IN THE REGION AND WHEN-
4 - WE DON'T KNOW EXACTLY WHAT WE'RE PAYING FOR. AND I KNOW THAT
5 I APPLAUD THE UNION FOR WHAT THEY DID. I KNOW THAT, THREE
6 YEARS AGO, I HAD TO CALL ON THEIR BEHALF BECAUSE THEY WOULDN'T
7 GIVE THEM ANY INFORMATION. BUT THEY HAVE BEEN-- THEY HAVE A
8 COMMITTEE THAT'S WORKED ON IT AND FOUGHT FOR IT AND EVEN IF WE
9 WERE TO SAY NO TO KAISER RIGHT NOW, THE UNION IS GOING TO SAY,
10 "WE WANT KAISER." THEY'VE WORKED HARD TO GET TO THAT POINT. SO
11 WE'RE IN A TOUGH SITUATION. BUT IT'S MY UNDERSTANDING, AS FAR
12 AS THE INCREASE IS CONCERNED IS, WHILE IT IS 15, WE'RE STILL
13 GOING TO SUBSIDIZE 5 PERCENT OF IT, IS THAT CORRECT, UNDER OUR
14 SCENARIO?

15

16 **MIKE HENRY:** YES. WE DO BRING THAT DOWN. WE DO MITIGATE THE
17 IMPACTS. WE DO BRING IT DOWN TO A LOWER LEVEL. BUT THE FACT
18 STILL REMAINS THAT THE MONEY COMES-- I KNOW YOU KNOW IT
19 COMINGS FROM SOMEWHERE. AND THIS MAY BE-- WE CAN GO BACK TO
20 KAISER. WE CAN COMMUNICATE THIS BOARD'S CONCERN ON A GO
21 FORWARD BASIS. THERE'S OTHER STEPS, CONSISTENT WITH THE
22 MOTIONS I'VE HEARD, WE NEED TO TAKE.

23

24 **SUP. MOLINA:** BUT I THINK THE ISSUE IS THAT WE NEED TO DEVELOP
25 A GAME PLAN, A STRATEGY AND START WORKING ON IT RIGHT NOW.



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1

2 **MIKE HENRY:** ABSOLUTELY.

3

4 **SUP. MOLINA:** FOR WHAT'S GOING TO BE HAPPENING NEXT YEAR.

5

6 **MIKE HENRY:** OH, ABSOLUTELY. AND THAT'S THE INTENT.

7

8 **SUP. MOLINA:** I MEAN, CAN'T WE DO IT NOW, IT'S SORT OF LATE. WE
9 HAVE TO SIGN ON THE DOTTED LINE. IT'S TOO LATE TO MAKE ANY
10 DRAMATIC CHANGE BUT IT DOES-- IT SHOULD ALERT US THAT THE
11 STRATEGY PLAN THAT THE UNIONS UTILIZED WORKED. IT TOOK THEM A
12 LONG TIME AND THEY GOT-- YOU KNOW, BELIEVE ME, KAISER WAS NOT
13 ALL THAT COOPERATIVE WITH THEM IN SHARING ANYTHING. AND NOW
14 THEY'VE KEPT A BASELINE DATA, AS I UNDERSTAND, OF EMERGENCY
15 ROOM VISITS. THEY'VE IMPLEMENTED WITH AN EDUCATION PROGRAM
16 THAT GOES TO ALL OF THEIR MEMBERS. SO THEY'VE DONE SOME GOOD
17 WORK AND IT'S MY UNDERSTANDING THERE IS SOME DATA SHARING
18 GOING ON.

19

20 **SUP. BURKE:** MR. CHAIRMAN?

21

22 **SUP. YAROSLAVSKY, CHAIRMAN:** MS. BURKE?

23

24 **SUP. BURKE:** WELL, YOU KNOW, ON THE WHOLE ISSUE OF IT BEING
25 BUDGET-DRIVEN, BUT THAT-- THE RESERVE IS THE KEY TO THAT. IF



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1 WE DON'T KNOW WHAT THE AMOUNT OF THE RESERVE IS, WE DON'T
2 REALLY KNOW EXACTLY HOW MUCH OF THAT BUDGET IS BEING ALLOCATED
3 TO-- AND KEPT IN RESERVE. ISN'T THAT REALLY THE KEY? IF WE
4 KNEW WHAT THE RESERVE WAS, WE'D KNOW WHETHER WE WERE REALLY
5 TRULY BUDGET-DRIVEN.

6

7 **RAMON RUBALCAVA:** WELL, THE PROBLEM WITH KAISER IS THAT, IN
8 MAKING PRESENTATIONS DURING NEGOTIATIONS, THEY MAKE LOTS OF
9 ASSERTIONS ABOUT-- IN THE CASE OF MANAGEMENT, "INCREASED
10 UTILIZATION OF THEIR SERVICES." AND THIS YEAR WHERE UNIONS
11 DECREASED UTILIZATION OF THEIR SERVICES BUT THEY CAN NEVER TIE
12 THESE ASSERTIONS BACK TO DOLLARS. THEY SEEM NOT TO HAVE THE
13 CAPABILITY OF DOING THAT OR THEY ARE RELUCTANT TO DO IT. THAT
14 IS WHY WE'RE HERE TODAY TELLING YOU THAT MERCER'S GIVING YOU A
15 QUALIFIED ASSESSMENT OF THEIR RATE PROPOSAL.

16

17 **SUP. BURKE:** BUT MERCER SAYS THEY DO NOT KNOW WHAT THE RESERVE
18 IS. THEY SAY THEY DID NOT GET THAT INFORMATION. SO THAT,
19 ACTUALLY, WHEN YOU SAY IT'S BUDGET-DRIVEN, UNLESS YOU KNOW
20 EXACTLY HOW MUCH IS BEING PUT IN THE RESERVE, YOU DON'T HAVE A
21 REAL, TRUE FEELING FOR EXACTLY WHAT THE NUMBERS ARE.

22

23 **RAMON RUBALCAVA:** THAT'S TRUE, SUPERVISOR.

24



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1 **SUP. BURKE:** NOW, IF THERE IS A ROLLOUT BY THE NON-
2 REPRESENTATIVE OF SOME OF THE THINGS THAT THE UNION HAS DONE,
3 IS THERE ANY POSSIBILITY TO HAVING AN ADJUSTMENT IN TERMS OF
4 THESE FEES?

5

6 **MARCEY BURNS:** KAISER, DURING THE RENEWAL PROCESS THIS YEAR,
7 DID, EARLY ON, WHEN IT WAS A SURPRISE THAT WE WERE FACED WITH
8 A 15 PERCENT RENEWAL FOR NON-REPS, THEY DID AGREE THAT THEIR
9 FOCUS HAD BEEN ON THE UNION PLANS FOR THE LAST YEAR IN TERMS
10 OF DATA SHARING, QUARTERLY MEETINGS WORKING ON THESE PLANS.
11 AND THEY DID COMMIT TO IMMEDIATELY START THAT FOR THE NON-REP
12 GROUP. SO THOSE, I BELIEVE THOSE ACTIVITIES ARE ALREADY UNDER
13 WAY.

14

15 **SUP. BURKE:** BUT DOES THAT MEAN THAT THERE'S NOTHING THAT CAN
16 HAPPEN UNTIL NEXT YEAR? OR DOES THAT MEAN THAT, AS SOME OF
17 THESE THINGS ARE DEVELOPING, CAN'T WE LOOK OUT AT SOME KIND OF
18 ROLLOUT, AS THEY'RE ROLLED OUT, CAN'T WE LOOK AT SOME KIND OF
19 REDUCTIONS?

20

21 **MARCEY BURNS:** THE REDUCTIONS, WELL, THEIR RATING METHODOLOGY,
22 I THINK, AS FRANK MENTIONED, IS-- THE RATING METHODOLOGY IS
23 TIED TO THEIR BUDGETING PROCESS. THEY HAVE NOT BEEN WILLING,
24 IN THE PAST, TO PROVIDE PROSPECTIVE CREDITS OF ACTIVITIES. IF
25 THESE ACTIVITIES DO RESULT IN REDUCED UTILIZATION, IT WILL BE



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1 REALIZED IN FUTURE RENEWALS. BECAUSE, EACH YEAR, THEY'RE RE-
2 LOOKING AT THE UTILIZATION THAT HAS OCCURRED FOR THIS
3 POPULATION.

4

5 **SUP. BURKE:** WELL, I GUESS WHAT I REALLY WOULD HOPE THAT WE
6 COULD DO IS TO SAY-- THEY HAVE THE STATISTICS IN TERMS OF WHAT
7 THE IMPACT IS ON CERTAIN MEASURES. THAT, IF WE COMMITTED TO
8 THOSE MEASURES IN TERMS OF WHATEVER THE REQUIREMENTS ARE, IN
9 TERMS OF NONREPRESENTED, BECAUSE THE POINT IS WELL TAKEN THE
10 AGE. I USED TO THINK AGE WAS A DIFFERENCE BUT THE AGE IS ONLY
11 ONE YEAR. SO IT CAN'T BE AGE. SO IT HAS TO BE SOMETHING ELSE.
12 AND IT SEEMS IF WE-- I THINK THAT WE SHOULD STILL CONTINUE TO
13 PUSH FOR THEM TO TAKE SOME CONSIDERATION OF THE SAME THINGS
14 THEY TOOK INTO CONSIDERATION WITH THE REPRESENTED AND THE
15 NONREPRESENTED IF THOSE THINGS, IN FACT, ARE PUT INTO EFFECT
16 THAT THERE BE SOME CONSIDERATION ON RATE, NOT NECESSARILY FOR
17 NEXT YEAR, I MEAN, AS WE GO-- FOR THIS YEAR. I REALLY THINK WE
18 NEED TO SIT DOWN AND AT LEAST MAKE A TRY TO GET THAT DONE. ARE
19 YOU WILLING TO DO THAT? OR DO YOU THINK THAT THAT'S JUST OUT
20 OF THE QUESTION?

21

22 **MARCEY BURNS:** MY PERSONAL BELIEF IS THAT KAISER WILL PROBABLY
23 NOT CONCEDE FOR THE 2008 POLICY YEAR. THEY HAVE BASED THEIR
24 RENEWAL RESULTS ON THE UTILIZATION OF THE COUNTY MANAGEMENT,
25 NONREPRESENTED POPULATION. THEY'VE IDENTIFIED AN INCREASE, FOR



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1 EXAMPLE, IN MATERNITY CLAIMS. THEY HAVE IDENTIFIED A LARGE
2 INCREASE IN INPATIENT HOSPITALIZATION RELATED TO CERTAIN LARGE
3 CLAIMANTS. AND THEY ACTUALLY FEEL AND HAVE PROVIDED SOME
4 INFORMATION, ALTHOUGH IT HASN'T BEEN FULLY TRACKABLE BECAUSE
5 OF THE CHANGES WITHIN THEIR SYSTEM, THAT THE MANAGEMENT
6 POPULATION, IN FACT, ENJOYED, IN 2007, A YEAR THAT WAS BASED
7 ON PARTICULARLY GOOD EXPERIENCE BUT THAT, SINCE THEN, THE
8 UTILIZATION HAS RETURNED TO ITS MORE EXPECTED OR AVERAGE LEVEL
9 FOR THAT POPULATION. SO ANY ACTIVITIES THAT ARE EMBARKED UPON
10 AT THIS POINT TO CONTROL UTILIZATION WOULD TAKE SOME TIME TO
11 ACTUALLY HAVE RESULTS.

12
13 **FRANK FRAZIER:** THE ANSWER, SUPERVISOR, IS THAT WE WILL TRY OUR
14 LEVEL BEST TO GET A BETTER DEAL IF YOU ASK US TO DO SO. WE
15 ABSOLUTELY WILL TRY TO DO THAT.

16
17 **SUP. BURKE:** WELL, I JUST THINK THAT WE HAVE TO DO THAT. NOW,
18 SPEAKING OF LAST YEAR...

19
20 **MIKE HENRY:** WE WILL GO BACK TO THE TABLE.

21
22 **SUP. BURKE:** OKAY. LET'S AT LEAST TRY. BUT, SPEAKING OF LAST
23 YEAR, THERE WAS TO BE A FACILITY IN SOUTH LOS ANGELES. NOW
24 HAVE THEY ACTUALLY PURCHASED THE PROPERTY ON MANCHESTER YET,
25 DO YOU KNOW?



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1

2 **FRANK FRAZIER:** AS OF A LETTER WHICH THEY SUPPLIED US LAST
3 WEEK, THE ANSWER IS NO.

4

5 **SUP. BURKE:** DO THEY INTEND TO PURCHASE IT? OR WHEN DO THEY
6 ANTICIPATE THEY WILL PURCHASE IT?

7

8 **FRANK FRAZIER:** THEY DIDN'T GIVE ANY ASSURANCES BEYOND THAT
9 THEY WERE INVESTIGATING IT.

10

11 **SUP. BURKE:** I THOUGHT THAT WAS A COMMITMENT MADE LAST YEAR.

12

13 **FRANK FRAZIER:** THEY DID MAKE A COMMITMENT AND THEY COMMITTED
14 TO AN URGENT CARE FACILITY AT THE SAME LOCATION. ONE OF THEIR
15 ASSISTANT MEDICAL DIRECTORS MET WITH LOCAL 721 AND US
16 APPROXIMATELY A MONTH AGO AND COMMITTED TO TRY TO GET THE
17 MANCHESTER FACILITY DONE AND TO INCLUDE AN URGENT CARE
18 FACILITY. WE ASKED THEM FOR A LETTER OF COMMITMENT AND WE GOT
19 WHAT WE GOT.

20

21 **SUP. BURKE:** WOULD YOU MIND GOING BACK ON THAT AND FIND OUT,
22 YOU KNOW, I MEAN, WHEN THEY WOULD BE PURCHASING IT? WHAT THEY
23 INTEND TO DO AND THE DATE? AND COULD WE GET THAT IN THE NEXT
24 WEEK?

25



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1 **FRANK FRAZIER:** YES, WE WILL. WE WILL BE GLAD TO DO THAT.

2

3 **SUP. BURKE:** THEY'RE HERE. THEY KNOW THAT WE NEED THAT
4 INFORMATION. WE NEED THAT INFORMATION. NOT INFORMATION, WE
5 NEED SOME KIND OF ASSURANCE IT'S DONE.

6

7 **FRANK FRAZIER:** WE WILL.

8

9 **SUP. YAROSLAVSKY, CHAIRMAN:** OKAY. WE HAVE THE ITEM BEFORE US
10 WITH TWO AMENDMENTS. I'LL SECOND ANTONOVICH'S AMENDMENT.

11

12 **C.E.O. FUJIOKA:** BEFORE WE VOTE, MR. CHAIRMAN, COULD WE
13 CONTINUE THIS FOR ONE WEEK AND LET US GO BACK TO THE TABLE
14 WITH KAISER AS INSTRUCTED AND WE'LL TRY AGAIN TO SEE IF THEY
15 CAN RESPOND? AND WE'LL HAVE AN ANSWER FOR YOU BECAUSE I THINK
16 WHAT STAFF IS SAYING, THEY HAVE DUG THEIR HEELS IN ON THIS BUT
17 WE'LL GO BACK TO THEM, TELL THEM THAT WE HAVE THIS STRONG
18 SUPPORT FROM THIS BOARD TO GO BACK AND TRY AND NEGOTIATE A
19 BETTER RATE. BECAUSE IF WE HAVE RETURNED BACK TO THE AVERAGE
20 UTILIZATION RATES, THEN WHY SHOULDN'T WE GET THE AVERAGE
21 INCREASE, WHICH IS 9 PERCENT? SO IT DOESN'T MAKE SENSE.

22

23 **SUP. KNABE:** MR. CHAIRMAN, I MOVE TO CONTINUE THIS ITEM ONE
24 WEEK.

25



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1 **SUP. YAROSLAVSKY, CHAIRMAN:** OKAY. WITHOUT OBJECTION, THAT WILL
2 BE THE ORDER. THANK YOU, MR. FUJIOKA. MR. ANTONOVICH, NEXT
3 ITEM?

4

5 **SUP. ANTONOVICH:** ITEM NUMBER 44.

6

7 **SUP. YAROSLAVSKY, CHAIRMAN:** 44. WE ARE HOLDING THAT FOR A
8 MEMBER OF THE PUBLIC. TWO MEMBERS OF THE PUBLIC. MR. SACHS?
9 AND MR. DOGG?

10

11 **ARNOLD SACHS:** GOOD MORNING, COUNTY BOARD OF SUPERVISORS, THANK
12 YOU VERY MUCH, ARNOLD SACHS. I'D JUST LIKE TO POINT OUT IN
13 THAT, IN TODAY'S BUSINESS SECTION OF THE DAILY BREEZE, THE
14 GOVERNMENT IS GETTING READY TO VOTE ON SPENDING \$100 MILLION
15 FOR NONPROFIT GROUPS TO HELP HOMEOWNERS REFINANCE. AND I JUST
16 WANTED TO POINT OUT THAT, IF YOU'RE GOING TO TAKE ANY ACTION,
17 WE NEED TO TRY TO LIMIT THE FUNDING THAT PASSES THROUGH
18 NONPROFITS UNTIL WE FIND OUT EXACTLY HOW THE ACCOUNTABILITY OF
19 THE NONPROFITS IS WORKING. THERE SEEMS TO BE AN AWFUL LOT OF
20 NEWS OF NONPROFITS-- THERE SEEMS TO BE AN AWFUL LOT OF
21 NONPROFITS IN THE NEWS WHERE THE ACCOUNTABILITY JUST DOESN'T
22 ADD UP TO THE PUBLIC'S BENEFIT. THANK YOU VERY MUCH.

23

24 **SUP. YAROSLAVSKY, CHAIRMAN:** THANK YOU.

25



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1 **ZUMA DOGG:** YES, THANK YOU. I, TOO, WOULD LIKE TO SECOND ARNOLD
2 SACHS' MOTION TO NOT GIVE OUT ANY MORE MONEY TO THESE
3 NONPROFITS. THERE'S HUGE PROBLEMS. I DON'T KNOW IF YOU'VE BEEN
4 READING THE NEWSPAPER LATELY. THERE WAS SOMETHING IN
5 YESTERDAY'S L.A. TIMES REGARDING A NON-PROFIT WITH VETERANS'
6 MONEY AND I HAVE THE HEADLINE RIGHT HERE. IT SAYS...

7

8 **SUP. YAROSLAVSKY, CHAIRMAN:** IT'S ACTUALLY TODAY'S PAPER.

9

10 **ZUMA DOGG:** OH, REALLY? BOY, I HAD-- I BLOGGED IT YESTERDAY.
11 WOW, OH, MY GOODNESS. SO I BLOGGED YESTERDAY, IT'S A SERIOUS
12 FINANCIAL AND OPERATIONAL PROBLEMS INVOLVING NONPROFIT
13 ORGANIZATION HANDLING OF FEDERAL GRANT MONEY. AND I'M
14 CONCERNED. NOW WE ALSO HAVE THE C.R.A. \$50 MILLION LOAN THEY
15 WANT TO GIVE TO DEVELOP DOWNTOWN SKID ROW HOTELS. WE HAVE THE
16 MAYOR THAT IS HAVING HIS NONPROFIT FOR L.A.U.S.D. FOR HIS
17 CLUSTER TAKEOVER. A LOT OF NONPROFITS AND ESPECIALLY WITH
18 AFFORDABLE HOUSING. WHAT HAPPENS IS SOME OF THE IN-THE-KNOW
19 DEVELOPERS THEY GET THE NONPROFIT MONEY. THEY'RE PAID BY COST
20 PER UNIT. THEIR PROFIT, THERE'S A LOT OF PROFIT TO BE MADE IN
21 THE NON-PROFIT AFFORDABLE HOUSING SCHEME, I HATE TO CALL IT A
22 RACKET BUT I DO CALL IT THAT. WHAT HAPPENS AGAIN IS THE
23 DEVELOPERS IN THE KNOW, THEY GO TO VARIOUS AGENCIES, THERE'S
24 FEDERAL GRANT MONEY BUT THEY'RE ALLOWED TO MAKE A REASONABLE
25 PROFIT BUT THAT PROFIT IS BASED ON COST PER UNIT. SO IF YOU'RE



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1 GETTING PAID ON COST PER UNIT, YOU WILL DO EVERYTHING TO TRY
2 TO DRIVE UP THE COST OF THAT UNIT AND NOBODY IS CHECKING.
3 THEY'RE GOING TO MULTIPLE SOURCES FOR FUNDING AND SO YOU GET A
4 HIGH COST PER UNIT. WE DON'T GET ENOUGH UNITS. AND WE NEED TO
5 SOLVE THE HOUSING CRISIS AND THE DOWNTOWN HOMELESSNESS AND ALL
6 THAT BUT WE'RE NOT GETTING OUR MONEY'S WORTH. AGAIN, NO
7 ACCOUNTABILITY OR TRANSPARENCY WITH THESE NONPROFITS AND I'M
8 VERY CONCERNED WITH THIS \$50 MILLION. THE C.R.A., DO YOU GUYS
9 HAVE AUTHORITY, DO YOU WORK WITH THE C.R.A.? I'M VERY
10 CONCERNED. I KNOW THERE'S A DIVIDED BOARD WITH THE C.R.A. OVER
11 THIS...

12

13 **SUP. ANTONOVICH:** WE'VE SUED THEM.

14

15 **ZUMA DOGG:** YOU SUED THEM. WELL, GOOD FOR YOU, MIKE ANTONOVICH.
16 ALWAYS THE WATCHDOG. SO, ANYWAY, I'M CONCERNED. LET'S NOT GIVE
17 ANY MORE MONEY UNTIL WE FIGURE THIS OUT BECAUSE, WITH THE
18 BOARD OF SUPERVISORS, WHAT THEY'RE DOING IS YOU HAVE TO GO TO
19 LANE FIRST AND THEY ADD ON THESE COMMUNITY BENEFIT PACKAGES
20 AND THEN IT SCARES AWAY...

21

22 **SUP. YAROSLAVSKY, CHAIRMAN:** THANK YOU, YOUR TIME IS UP. THANK
23 YOU, ZUMA DOGG. OKAY. ITEM 44 IS BEFORE US.

24

25 **CLERK SACHI HAMAI:** THIS IS TO BE CONTINUED FOR TWO WEEKS.



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1

2 **SUP. YAROSLAVSKY, CHAIRMAN:** WITHOUT OBJECTION, THAT WILL BE
3 THE ORDER. MIKE?

4

5 **SUP. ANTONOVICH:** LET ME ALSO MOVE THAT WE ADJOURN IN MEMORY OF
6 GARY SAUNDERS, WHO IS THE BROTHER-IN-LAW OF MY STAFF MEMBER,
7 DEBRA RODARTE, AND ALSO A FORMER COUNTY EMPLOYEE WHO WORKED
8 FOR OUR DEPARTMENT OF PUBLIC SERVICES AND HE LEAVES HIS WIFE
9 AND FIVE CHILDREN.

10

11 **SUP. YAROSLAVSKY, CHAIRMAN:** UNANIMOUS VOTE.

12

13 **SUP. ANTONOVICH:** AND THEN READ IN A MOTION CO-AUTHORED BY
14 SUPERVISOR YAROSLAVSKY AND THAT'S THE D.C.F.S. PAYROLL
15 PERSONAL OPERATIONS AUDIT. ON SEPTEMBER 4TH, THE AUDITOR
16 CONTROLLER RELEASED THE REVIEW OF THE PAYROLL AND PERSONNEL
17 OPERATIONS AT THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES.
18 IT REVEALED A NUMBER OF AREAS WHERE MANAGERS AND OTHER
19 EMPLOYEES DID NOT USE ESTABLISHED COUNTY PROCEDURES TO
20 DOCUMENT APPROVAL FOR OVERTIME, LEAVE ACCOUNTING, INDUSTRIAL
21 ACCIDENT PAYMENTS, TIME AND ATTENDANCE, TIMEKEEPING AND
22 PAYROLL SYSTEMS. WHILE THE AUDITOR'S REPORT DID NOT INDICATE
23 WIDESPREAD FRAUD AT THE DEPARTMENT, IT REVEALED LAX CONTROLS
24 HAVE EASILY LED TO WASTED DOLLARS AND OPPORTUNITIES FOR
25 FRAUDULENT BEHAVIOR. IN RESPONSE, THE DEPARTMENT'S DIRECTOR



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1 HAS PROPOSED ASSIGNING A MANAGER TO IMPLEMENT A QUALITY
2 ASSURANCE PROCESS TO AVOID FRAUD, OVERPAYMENTS AND OTHER
3 TIMEKEEPING ERRORS BY A REVIEW OF THE DEPARTMENT'S COMPLIANCE
4 WITH PAYROLL PROCEDURES. THE AUDITOR CONTROLLER HAS AUDITED
5 THE DEPARTMENT AS PART OF ITS STANDARD ROTATION, A ROTATIONAL
6 REVIEW OF THE PAYROLL PERSONNEL OPERATIONS OF EACH OF OUR
7 COUNTY DEPARTMENTS. THESE ARE CONDUCTED ONCE EVERY FIVE YEARS.
8 FOR THE D.C.F.S. AUDIT, SOME OF THE OVERPAYMENTS WERE AS FAR
9 BACK AS 2001. HOWEVER, THE AUDITOR WAS TO REGULARLY REPORT
10 THESE IDENTIFIED DEFICIENCIES COMMON TO ALL DEPARTMENTS. THE
11 DEPARTMENTS WOULD BE ABLE TO POTENTIALLY PREVENT THE MISUSE OF
12 PUBLIC FUNDS. SO WE'D LIKE TO MOVE THAT THE COUNTY BOARD
13 DIRECT THE C.E.O., IN CONJUNCTION WITH THE AUDITOR CONTROLLER
14 AND THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES, TO REPORT
15 BACK IN 30 DAYS ON THE PROGRESS IN IMPLEMENTING THE SPECIFIC
16 RECOMMENDATIONS OF THE AUDITOR CONTROLLER'S REPORT ON CHILDREN
17 AND FAMILY SERVICES. TWO, IDENTIFYING EXISTING BUDGETED ITEM
18 AND EXPEDITING THE HIRING OF A MANAGER AT THE APPROPRIATE
19 LEVEL TO IMPLEMENT QUALITY ASSURANCE PROGRAMS FOR THE
20 DEPARTMENT, PAYROLL AND PERSONNEL OPERATIONS, WHICH WERE
21 REVIEWED IN THE AUDITOR'S REPORT. FURTHER MOVE THAT THE BOARD
22 DIRECT THE C.E.O., IN CONJUNCTION WITH THE AUDITOR CONTROLLER,
23 TO REPORT BACK IN 30 DAYS ON WHETHER AND HOW THE AUDITOR
24 CONTROLLER'S REGULAR AUDIT FUNCTION CAN BE UTILIZED TO
25 DIRECTLY ADDRESS COUNTYWIDE OR MULTI-DEPARTMENTAL PAYROLL



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1 PERSONNEL AND OTHER PROBLEMS. THIS IS A REPORT THAT WE'VE
2 OFFERED, MR. CHAIRMAN. COULD WE NOT JUST APPROVE THIS TODAY?

3

4 **SUP. YAROSLAVSKY, CHAIRMAN:** I THINK SO. TO REPORT BACK. SEE IT
5 THAT WAY, MR. FORTNER? WITHOUT OBJECTION.

6

7 **RAYMOND G. FORTNER, JR.:** YES, MR. CHAIRMAN.

8

9 **SUP. YAROSLAVSKY, CHAIRMAN:** UNANIMOUS VOTE.

10

11 **SUP. ANTONOVICH:** ITEM NUMBER 45.

12

13 **SUP. YAROSLAVSKY, CHAIRMAN:** ITEM 45. HEALTH DIRECTOR? DR.
14 CHERNOF?

15

16 **DR. BRUCE CHERNOF:** SUPERVISORS, GOOD MORNING. I'D LIKE TO MAKE
17 A FEW COMMENTS AND THEN MS. SHEILA SHIMA AND I WILL BE GLAD TO
18 TAKE ANY QUESTIONS THAT YOU MAY HAVE. MY COMMENTS TODAY WILL
19 SUMMARIZE THE MORE COMPREHENSIVE REPORT ON THE STATUS OF THE
20 M.L.K. CONTINGENCY PLAN IMPLEMENTATION WHICH I HAVE PROVIDED
21 TO YOU ON FRIDAY. AT M.L.K., THE URGENT CARE IS CURRENTLY
22 SERVING ABOUT 350 PATIENTS PER WEEK IN THE OUTPATIENT AND
23 SPECIALTY CARE CLINICS ARE SERVING AN ADDITIONAL 2,000
24 PATIENTS PER WEEK. OUR TRANSPORTATION SERVICES CONTINUE TO
25 PROVIDE DOOR-TO-DOOR SERVICE FOR SCHEDULED APPOINTMENTS, AS



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1 WELL AS SHUTTLE SERVICES BETWEEN HARBOR, U.C.L.A., HUMPHREY,
2 DOLLAR HIDE AND THE M.L.K. M.A.C.C. THE COMMUNITY EDUCATION
3 PROGRAM IS WELL INTO IMPLEMENTATION WITH RADIO AND NEWSPAPER
4 SPOTS RUNNING IN ENGLISH AND IN SPANISH, BILINGUAL MAILINGS TO
5 300,000 RESIDENTS HAVE GONE OUT AS WELL AS A NUMBER OF OTHER
6 OUTREACH EFFORTS PREVIOUSLY DESCRIBED. IN CONJUNCTION WITH THE
7 C.E.O. AND D.H.R., THE DEPARTMENT HAS COMPLETED THE EVALUATION
8 AND REASSIGNMENT OF ALL THE EMPLOYEES. WE'RE FINISHING THAT
9 WORK NOW. ALMOST ALL OF THE EMPLOYEES HAVE BEEN REASSIGNED AND
10 RECEIVED LETTERS AT THIS POINT. IN PHASE 1, THE M.L.K.
11 M.A.C.C. WILL HAVE 809 STAFF. 576 INDIVIDUALS HAVE RECEIVED
12 TRANSFERS TO OTHER FACILITIES AND HAVE ARRIVED AT THOSE
13 FACILITIES AS OF THIS MORNING. ALL OF THE REMAINING STAFF HAVE
14 BEEN ASSIGNED TO OTHER FACILITIES, ALTHOUGH WE'RE FINALIZING
15 THOSE ISSUES AS TO WHERE THEY'RE GOING TO GO, AS WELL AS
16 RESOLVING OUTSTANDING PERFORMANCE ISSUES. THE GROUP WITH
17 OUTSTANDING PERFORMANCE ISSUES WILL BE KEPT UNDER THE
18 DIRECTION OF H.R. PERFORMANCE MANAGEMENT UNTIL THOSE ISSUES
19 ARE RESOLVED. LET ME STATE AGAIN THAT PHASE 2 OF THE M.L.K.
20 STAFF RESTRUCTURING WILL BEGIN WITH THE CONSULTANT'S REPORT,
21 WHICH IS DUE WITHIN THE NEXT THREE WEEKS. BASED UPON YOUR
22 BOARD'S DIRECTION, WE HAVE ASKED THE CONSULTANT TO TRY AND
23 COMPLETE THIS WORK EARLIER IF POSSIBLE. THE DEPARTMENT
24 CONTINUES TO CLOSELY MONITOR THE 11 IMPACTED HOSPITALS, THE 9
25 PRIVATE AND TWO COUNTY-OPERATED FACILITIES. LET ME CLEARLY SAY



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1 THAT THERE IS NO WAY THAT CLOSING A HOSPITAL THAT PROVIDED
2 47,000 E.R. AND URGENT CARE VISITS A YEAR WOULD NOT HAVE AN
3 IMPACT ON THE SURROUNDING HOSPITALS, OURS AND THE PRIVATES.
4 THIS PROBLEM IS ONLY EXACERBATED BY THE FACT THAT THERE HAVE
5 BEEN SIGNIFICANT PRIVATE HOSPITAL CLOSURES, INCLUDING DANIEL
6 FREEMAN'S E.R. IN 2006, WHICH WAS DELIVERING AROUND 39,000
7 VISITS A YEAR; SUBURBAN'S CLOSURE IN 2005 WHICH WAS PROVIDING
8 ROUGHLY 22,000 VISITS A YEAR; AND ROBERT F. KENNEDY HOSPITAL,
9 WHICH CLOSED IN 2004, WHICH WAS PROVIDING ROUGHLY 22,000
10 VISITS A YEAR. THE DEPARTMENT HAS WORKED WITH E.M.S., THE
11 E.M.S. PROVIDERS AND THE PRIVATE HOSPITALS TO TRY TO MITIGATE
12 THE IMPACT WHERE POSSIBLE BUT THE ONLY COMPREHENSIVE
13 MITIGATION IS THE ULTIMATE REOPENING OF THE HOSPITAL AND THE
14 RESTORATION OF AN EMERGENCY ROOM ON SITE. BECAUSE THE DATA FOR
15 THE EMERGENCY ROOM WAS NOT COLLECTED AT THIS LEVEL BY PRIVATE
16 HOSPITALS PRIOR TO IMPLEMENTATION OF THE DIVERSION PLAN, THERE
17 IS NO STRAIGHTFORWARD BASELINE FOR COMPARISON AT THIS POINT
18 BUT THE DEPARTMENT IS WORKING WITH THE HOSPITAL ASSOCIATION OF
19 SOUTHERN CALIFORNIA TO ANALYZE POTENTIAL ALTERNATIVES FOR
20 COMPARISON. WHAT I CAN REPORT TO YOU TODAY IS THAT ALL OF THE
21 PRIVATE AND PUBLIC HOSPITALS ARE FEELING THE IMPACT. OF ALL
22 FACILITIES, DOWNEY REGIONAL MEDICAL CENTER IS THE ONLY
23 FACILITY TO HAVE A SIGNIFICANT INCREASE IN TIME ON DIVERSION
24 AND THEY DID EXPERIENCE A PATIENT SURGE EARLY LAST WEEK THAT
25 RESULTED IN E.M.S. DIVERTING AMBULANCES FOR A PERIOD OF ABOUT



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1 16 HOURS. IN WEEK OVER WEEK COMPARISONS, HARBOR U.C.L.A.
2 MEDICAL CENTER HAS SEEN THE LARGEST INCREASE IN AMBULANCE
3 TRAFFIC. E.M.S. STAFF MONITOR E.R. STATUS ON A DAILY BASIS
4 AND, AS WE GAIN EXPERIENCE WITH THESE MITIGATION EFFORTS, WE
5 WILL RECOMMEND COURSE CORRECTIONS, IF NECESSARY AND
6 APPROPRIATE. WE HAVE TAKEN TWO ADDITIONAL STEPS TO HELP
7 MITIGATE THE CLOSURE IMPACT. FIRST, WE WILL BE WORKING WITH
8 OUR COLLEAGUES IN THE CALIFORNIA HOSPITAL ASSOCIATION AND
9 H.A.A.S. TO PROVIDE ADDITIONAL-- TO PROVIDE AN INFORMATIONAL
10 BRIEFING TO THE C.M.A.C. BOARD ON THE IMPACTS OF PRIVATE
11 HOSPITAL EMERGENCY ROOMS, THE STRUCTURE OF PRIVATE HOSPITALS
12 IN THE SOUTH LOS ANGELES AREA AND THE IMPACT OF C.M.A.C. RATES
13 IN THIS REGION. WHILE C.M.A.C. RATES, WHICH WERE THE MEDI-CAL
14 RATES, ARE CONFIDENTIAL, WE DO BELIEVE THAT C.M.A.C. NEEDS TO
15 REVIEW THEIR RATE STRUCTURE IN SOUTHERN CALIFORNIA,
16 PARTICULARLY FOR THOSE IMPACTED PRIVATE HOSPITALS. THE
17 DEPARTMENT HAS ALSO SPEARHEADED AN EFFORT AT THE STATE LEVEL
18 TO DEVELOP A SOUTH LOS ANGELES HEALTHCARE SERVICES
19 PRESERVATION FUND, WHICH IS PART OF A.B. 474. THIS FUND WILL
20 LAST FOR THREE YEARS AND WILL SUNSET AT THAT POINT OR SOONER.
21 THE SOONER POINT WOULD BE WHEN A HOSPITAL REOPENS, WHICHEVER
22 OCCURS FIRST. THIS PRESERVATION FUND WILL PRESERVE
23 APPROXIMATELY \$100 MILLION PER YEAR OF FUNDING SPECIFICALLY TO
24 COVER THE COSTS, INCLUDING BUT NOT LIMITED TO RUNNING THE
25 M.A.C.C., FOR WHICH THERE IS NO FUNDING FOR MOST OF THE



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1 PATIENTS BECAUSE THEY'RE PREDOMINANTLY INDIGENT. THEY WILL
2 COVER THE TEMPORARY TRANSITIONAL BEDS AT HARBOR, RANCHO AND
3 THE CONTRACT HOSPITALS, AS WELL AS A VARIETY OF OTHER
4 ACTIVITIES. AS PART OF THE FUND, THE DEPARTMENT WILL ALSO
5 PROVIDE A \$5 MILLION MATCH, WHICH WILL ALLOW THE STATE TO
6 DEVELOP AN ADDITIONAL SUPPLEMENTAL PAYMENT FUND TOTALING \$10
7 MILLION, WHICH WILL BE EARMARKED FOR THOSE IMPACTED HOSPITALS
8 AS DESIGNATED THROUGH THE CONTRACTING PROCESS BY THE COUNTY OF
9 LOS ANGELES. FINALLY AND IN CLOSING, I'D LIKE TO SAY THAT OUR
10 FOCUS REMAINS ON THE OVERARCHING GOAL, WHICH NEEDS TO BE
11 REOPENING A HOSPITAL AS QUICKLY AS POSSIBLE THAT CAN MEET ALL
12 NATIONAL STANDARDS. ADS BEGAN RUNNING LAST WEEK, THE MAJOR ADS
13 WILL BE THIS WEEK IN THE WALL STREET JOURNAL AND MODERN
14 HEALTHCARE REQUESTING PROPOSALS. HAMMES AND COMPANY'S OTHER
15 OUTREACH EFFORTS ARE IN FULL SWING AND WE EXPECT THAT, BY THE
16 END OF SEPTEMBER, WE SHOULD HAVE LETTERS OF INTEREST, WITH THE
17 FIELD NARROWING OVER THE NEXT FOUR TO EIGHT WEEKS. WITH THAT,
18 THAT'S MY UPDATE FOR THIS WEEK. I'LL BE GLAD TO TAKE
19 QUESTIONS.

20

21 **SUP. YAROSLAVSKY, CHAIRMAN:** CAN I ASK YOU A QUESTION? HANG ON
22 ONE SECOND. I JUST WANTED TO ASK A QUESTION ON THE AMBULANCE
23 DIVERSIONS. WHY IS HARBOR GETTING THE PREDOMINANT NUMBERS OR
24 PERCENTAGES OF AMBULANCE DIVERSIONS, WHICH IS 7 OR 8 MILES



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1 AWAY FROM KING? AND ST. FRANCIS IS A MILE AND A HALF AWAY FROM
2 KING? SO I JUST WANT TO UNDERSTAND. IS IT AN INTENTIONAL...?

3

4 **DR. BRUCE CHERNOF:** I DIDN'T SAY THEY WERE GETTING THE
5 PREDOMINANT NUMBER OF THE DIVERSIONS. THIS DATA, SUPERVISOR
6 YAROSLAVSKY, IS PRETTY NEW. AND, LIKE I SAID, THERE ISN'T A
7 GOOD BASELINE. WHAT I CAN REPORT IS THAT, IN WEEK OVER WEEK
8 COMPARISONS, SO, THREE WEEKS AGO, THEY GOT 60 AMBULANCES AND
9 TWO WEEKS AGO THEY GOT 80 AMBULANCES. SO THEY SAW AN INCREASED
10 NUMBER OF AMBULANCES IN THAT GIVEN WEEK. WHETHER THAT TREND
11 WILL CONTINUE WEEK OVER WEEK, WE'LL NEED ADDITIONAL DATA TO
12 SEE. AND, AGAIN, WE'RE STILL LOOKING FOR A GOOD COMPARISON
13 BASELINE.

14

15 **SUP. YAROSLAVSKY, CHAIRMAN:** OKAY.

16

17 **DR. BRUCE CHERNOF:** SO, IN THE GIVEN WEEK, IT'S A MIXTURE OF
18 OTHER CLOSURES.

19

20 **SUP. KNABE:** BUT IT'S BEEN PRETTY CONSISTENT.

21

22 **SUP. YAROSLAVSKY, CHAIRMAN:** TOO EARLY TO TELL WHAT'S CAUSING
23 IT, WHERE IT'S COMING FROM OR ALL THAT SORT OF THING, WELL,
24 YOU CAN TELL WHERE IT'S COMING FROM OR WHERE THE PATIENTS ARE



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1 COMING FROM, THE AMBULANCES ARE COMING FROM, BUT YOU CAN'T
2 CHOOSE.

3

4 **DR. BRUCE CHERNOF:** THIS IS TOTAL AMBULANCES AT THIS POINT,
5 SUPERVISOR. WE ARE TRACKING IT DOWN TO THE ZIP CODE LEVEL, AS
6 WELL. BUT THESE ARE TOTAL AMBULANCES FOR THESE IMPACTED
7 HOSPITALS. AND THEY SAW AN INCREASE LAST WEEK.

8

9 **SUP. YAROSLAVSKY, CHAIRMAN:** OKAY. THE SECOND THING, I JUST
10 WANT TO RAISE ANOTHER QUESTION AND THEN I'M DONE. THE FUTURE
11 OF THE FACILITY AND THE REOPENING OF THE FACILITY, THE ONE
12 THING WE HAVE NOT TALKED ABOUT HERE BEFORE, AND I WANT TO
13 THROW IT INTO THE MIX, IS THE UNIVERSITY OF CALIFORNIA. I
14 WASN'T GOING TO BRING IT UP TODAY AND I WASN'T PREPARED TO
15 BRING IT UP TODAY BUT IT'S CERTAINLY BEEN SOMETHING I'VE BEEN
16 THINKING ABOUT AND LOOKING AT FOR SOME TIME AND I WAS
17 INTERESTED TO SEE THAT, IN THE NEWSPAPER OVER THE WEEKEND,
18 HECTOR FLORES MADE THE SAME RECOMMENDATION. I DON'T ALWAYS
19 AGREE WITH HECTOR BUT, ON THIS ONE, I MEAN, IT'S TWO IN A ROW
20 WE AGREE ON NOW. IT'S A BAD TREND. BUT I THINK HE WAS RIGHT ON
21 THE MONEY. I AM CONCERNED AND IT'S MY PARANOIA THAT, AT THE
22 END OF THE DAY, AND I'M HAPPY TO BE PROVEN WRONG, BUT, IN THE
23 SPIRIT OF PREPARING FOR THE WORST AND HOPING FOR THE BEST,
24 THAT YOU'RE NOT GOING TO GET A LOT OF SERIOUS INTEREST FROM
25 PRIVATE HOSPITALS. WE'VE NEVER HAD IT BEFORE, ALTHOUGH THE



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1 CIRCUMSTANCES ARE DIFFERENT NOW, WITHOUT A DOUBT, AND MORE
2 FAVORABLE TO IT, THERE ARE STILL A LOT OF UNFAVORABLE ASPECTS
3 TO THIS TRANSACTION THAT MAKE ME WONDER WHETHER WE WILL EVER
4 GET A PRIVATE OPERATOR TO COME IN AND DO THIS. IF WE DO,
5 GREAT, BUT LET'S ASSUME WE DON'T. THE GOVERNOR HAS BEEN
6 LOOKING FOR A WAY TO HELP AND THEY'VE HELPED US IN THIS \$100
7 MILLION PIECE THAT YOU JUST REFERENCED AND I THINK THAT THE
8 GOVERNOR AND THE LEGISLATURE COULD HELP ON THIS PIECE, ON THE
9 UNIVERSITY OF CALIFORNIA PIECE. I DON'T KNOW HOW TO PIECE IT
10 TOGETHER AND I KNOW IT'S COMPLICATED AND THEY HAVE THEIR OWN
11 SET OF PROBLEMS AND THEIR OWN SET OF CHALLENGES. BUT IF THE
12 PUBLIC UNIVERSITY MEDICAL SYSTEM OF THIS STATE CAN'T STEP INTO
13 THE BREACH, THEN I DON'T THINK WE'RE GOING TO GET A PRIVATE
14 OPERATOR TO STEP INTO THE BREACH. AND AT LEAST TO GET THEM IN
15 THE MIX OF THIS LETTER OF INTEREST OR WHATEVER YOU'RE CALLING
16 THIS PROCESS. AND THERE COULD BE A-- THERE'S A ROLE FOR THE
17 LEGISLATURE TO PLAY HERE. THERE'S A ROLE FOR THE GOVERNOR TO
18 PLAY HERE IN HIS ADMINISTRATION AND OBVIOUSLY A ROLE FOR US TO
19 PARTNER WITH THEM IN THE FINANCIAL SENSE. OBVIOUSLY, THAT'S
20 GOING TO BE AN ISSUE. BUT I'D LIKE TO THROW OUT THE NOTION
21 THAT WE APPROACH THE STATE FORMALLY AND ASK THEM TO WORK WITH
22 US IN THIS PROCESS THAT YOU ARE UNDERTAKING WITH THE PRIVATES,
23 YOUR WALL STREET JOURNALS AND ALL THAT, BUT TO ENGAGE THEM IN
24 A DISCUSSION OVER WHAT, IF ANY, ROLE THEY COULD PLAY AND
25 THERE'S ONLY ONE ROLE THE UNIVERSITY OF CALIFORNIA SYSTEM



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1 COULD PLAY AND THAT'S TO TAKE OVER THE OPERATION OF THE
2 HOSPITAL. IF THEY BELIEVE, AS THEY SAY THEY DO, AND I BELIEVE
3 THEY BELIEVE THIS, THAT THE HOSPITAL'S IMPORTANT TO THE COUNTY
4 AND TO THIS PORTION OF THE COUNTY BUT TO THE WHOLE SYSTEM, AS
5 WELL, AND IF THEY ARE PREPARED TO STEP UP MORE THAN THEY MAY
6 HAVE CONTEMPLATED BEFORE SO THAT WE AT LEAST HAVE THESE TWO
7 THINGS, A PRIVATE AND THE UNIVERSITY, WE'RE MOVING ON PARALLEL
8 TRACKS. BECAUSE I'M CONCERNED THAT WE'RE GOING TO GET TO A
9 YEAR FROM NOW OR IT'S NOW 10 MONTHS FROM NOW, 11 MONTHS FROM
10 NOW, AND WE'RE NOT GOING TO BE ANY BETTER OFF IN TERMS OF THE
11 REOPENING OF THE FACILITY THAN WE ARE TODAY AND I THINK WE'LL
12 KICK OURSELVES FOR NOT HAVING APPROACHED THE GOVERNOR AND THE
13 LEGISLATURE AND THE BOARD OF REGENTS AND THE UNIVERSITY OF
14 CALIFORNIA SYSTEM. SO I WANT TO PROPOSE VERBALLY THAT WE
15 ENGAGE THE GOVERNOR AND THE LEGISLATURE IN A DISCUSSION ABOUT
16 THE ROLE THAT THE UNIVERSITY OF CALIFORNIA COULD PLAY IN THE
17 REOPENING OF KING HOSPITAL. DO YOU WANT TO REACT TO THAT?

18

19 **DR. BRUCE CHERNOF:** I WOULD, SUPERVISOR. I THINK IT'S A GREAT
20 SUGGESTION. I WANT YOU TO KNOW THAT WE'VE ALREADY BEGUN WORK
21 IN THAT AREA. WE'RE LEAVING NO STONE UNTURNED. AND WE CONSIDER
22 PARTNERING WITH THE U.C.'S AS ONE OF THE LOGICAL AND
23 APPROPRIATE POSSIBILITIES THAT NEEDS TO BE EXPLICITLY
24 EXPLORED. WHAT YOU BROUGHT FORWARD IS THE CONCEPT OF STEPPING



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1 UP WITH THE STATE FOLKS EARLY ON IN THE PROCESS AND I WELCOME
2 THAT AND WE'LL DO THAT.

3

4 **SUP. YAROSLAVSKY, CHAIRMAN:** THAT'S FINE. I APPRECIATE THAT.
5 THE DIFFERENCE IS THAT WE HAVE-- MAYBE I MISSED IT BUT WE HAVE
6 PUBLICLY TALKED ABOUT THE LETTER OF INTEREST IN THE PAST AS
7 PART OF YOUR CONTINGENCY PLANNING. IN THE DISCUSSION IN
8 AUGUST, WE TALKED ABOUT GOING OUT WITH THE PRIVATES AND ALL. I
9 DON'T THINK THIS BOARD HAS EVER TAKEN A FORMAL POSITION OR
10 MADE A FORMAL DECISION TO ENGAGE THE STATE AND I THINK THAT IT
11 SHOULD BE MORE THAN YOUR DISCUSSIONS UP THERE OR ON THE PHONE
12 WITH VARIOUS PERSONNEL. I THINK THE BOARD SHOULD BE-- I THINK
13 WE SHOULD SEND A FIVE-SIGNATURE LETTER OF SORTS TO THE
14 GOVERNOR AND THE LEADERSHIP OF THE STATE SENATE AND THE STATE
15 ASSEMBLY THAT EXPRESSES OUR DESIRE TO ENGAGE THEM IN THIS
16 PROCESS. OBVIOUSLY, WE CAN'T BE OVERLY SPECIFIC AT THIS STAGE
17 OF THE GAME BECAUSE WE DON'T KNOW WHAT ALL THE PIECES ARE BUT
18 THEY COULD HELP US DEFINE SOME OF THOSE PIECES AND WE DO HAVE
19 A UNIVERSITY OF CALIFORNIA RIGHT HERE. THEY DO OPERATE PART
20 OF-- THEY'RE THE PARTNER WITH US IN THE HARBOR U.C.L.A.
21 MEDICAL CENTER, 7, 8 MILES DOWN THE ROAD. THEY WON'T WANT TO
22 DO IT, ANY MORE THAN ANYBODY ELSE WANTS TO TAKE ON ANOTHER
23 HOSPITAL AT A TIME WHEN HOSPITALS ARE A PAIN IN THE NECK NO
24 MATTER WHERE THEY ARE BUT THEY ARE A PUBLIC INSTITUTION. THIS
25 IS A PUBLIC INSTITUTION THAT WE'RE TALKING ABOUT AND I THINK



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1 THEY OUGHT TO BE IN THE MIX. SO I'D LIKE TO THROW OUT THE
2 PROPOSE THAT WE SEND A FIVE SIGNATURE LETTER, WHICH PERHAPS
3 YOU AND THE C.E.O. CAN DRAFT AND WE COULD TAKE A LOOK AT IT
4 FOR SENDING TO THE LEADERSHIP OF THE STATE OVER THIS
5 UNIVERSITY OF CALIFORNIA ISSUE.

6

7 **SUP. BURKE:** I'LL SECOND THAT. MAY I JUST SPEAK TO IT JUST FOR
8 A MOMENT?

9

10 **SUP. YAROSLAVSKY, CHAIRMAN:** ABSOLUTELY.

11

12 **SUP. BURKE:** I KNOW THAT SENATOR FEINSTEIN EXPRESSED THIS
13 INTEREST. I DON'T KNOW WHETHER SHE EXPRESSED IT TO YOU. HER
14 HUSBAND CHAIRS THE REGENT. YES. SHE HAS TAKEN THAT POSITION
15 AND SHE TOOK IT PUBLICLY WITH BASICALLY A GROUP OF THE
16 LEADERSHIP OF THE-- WELL, BASICALLY, MOST OF THE AFRICAN-
17 AMERICAN LEADERSHIP THAT SHE BROUGHT TOGETHER TO DISCUSS THE
18 WHOLE ISSUE OF THE HOSPITAL. I RECOGNIZE IT WOULD HAVE TO BE A
19 LEGISLATIVE INITIATIVE OR AN INITIATIVE FROM THE GOVERNOR IS
20 THE ONLY WAY, CARRYING WITH IT SOME TYPE OF FUNDING IN ORDER
21 TO MAKE THIS REALISTIC BUT I DO THINK THAT IT WOULD BE
22 PROBABLY THE BEST OF ALL POSSIBLE APPROACHES IN TERMS OF A
23 FUTURE OF THE HOSPITAL. BECAUSE U.C.L.A. HAS HAD A PRESENCE
24 THERE WITH DREW, WITH THE FIRST TWO YEARS OF STUDENTS GOING TO
25 U.C.L.A. I KNOW THAT MANY OF THE PEOPLE AT U.C.L.A., WHEN YOU



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1 TALK TO THEM, THEY SAY THAT THEY WERE COMING TO THE HOSPITAL
2 ON A REGULAR BASIS AND THE LEADERSHIP OF U.C.L.A., THE
3 HOSPITAL, THEY WERE THERE. THEY'VE BEEN PARTICIPATING IN ANY
4 NUMBER OF TASK FORCES. IN THE SACHEL REPORT, THEY WERE VERY
5 INVOLVED. SO I THINK IT'S A VERY LEGITIMATE APPROACH FOR US TO
6 INITIATE IT WITH THE GOVERNOR, WITH THE LEGISLATURE BECAUSE AT
7 LEAST I THINK IT GIVES A REAL GOOD POSSIBILITY. I'LL SAY
8 AGAIN, WE'VE BEEN DISCUSSING RANCHO FOR FIVE YEARS, I BELIEVE,
9 WITH PRIVATE COMPANIES. AND THAT'S THE BEST HOSPITAL THAT YOU
10 COULD POSSIBLY EVER WANT. IT HAS A REVENUE STREAM. IT HAS
11 EVERYTHING. KING IS NOT EXACTLY IN THAT SAME POSITION. SO I DO
12 THINK THAT WE HAVE TO ENCOURAGE THE U.C.L.A.

13

14 **SUP. YAROSLAVSKY, CHAIRMAN:** OKAY. MR. ANTONOVICH.

15

16 **SUP. ANTONOVICH:** LET ME START FROM THE BEGINNING. WHAT IS THE
17 DEPARTMENT'S TIME FRAME ON LOCATING ANOTHER PROVIDER FOR
18 M.L.K.'S EMERGENCY ROOM? AND WHY DOES IT TAKE FOUR MONTHS TO
19 BEGIN THE SOLICITATION PROCESS?

20

21 **DR. BRUCE CHERNOF:** WELL, SUPERVISOR, THE SOLICITATION PROCESS
22 HAS BEGUN. WE EXPECT THAT THE LETTERS OF INTENT WILL BE
23 AVAILABLE OR BACK BY THE END OF SEPTEMBER AND THAT THE FIELD
24 OF CANDIDATES SHOULD BE NARROWED BY EARLY NOVEMBER. SO THOSE
25 ARE KIND OF THE KEY MILESTONES THAT HAMMES HAS LAID OUT. WE



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1 NEED TO GIVE ORGANIZATIONS TIME TO STEP FORWARD TO REVIEW
2 DATA. AND BECAUSE WE'RE USING A REQUEST FOR SOLUTIONS FORMAT,
3 THAT ALLOWS INDIVIDUAL ORGANIZATIONS TO COME FORWARD WITH
4 SOLUTIONS THAT MEET OUR NEEDS BUT ALSO MEET THEIR BUSINESS
5 NEEDS.

6

7 **SUP. ANTONOVICH:** WHEN WE HAD DEVELOPED A DUAL TRACK PROCESS A
8 COUPLE YEARS AGO WHEN THE DECISION FROM THE FEDERAL GOVERNMENT
9 WOULD BE TO WITHHOLD BECAUSE OF THE INFERIOR QUALITY CARE AT
10 THAT FACILITY, DID WE NOT HAVE IN PLACE THAT PROCESS FOR THE
11 R.F.P.S TO GO FORWARD AFTER THAT ACTION? AND THEN WHY HAS
12 THERE BEEN A DELAY FROM THE DAY OF THAT ACTION TO LOOKING AT
13 THE END OF SEPTEMBER?

14

15 **DR. BRUCE CHERNOF:** SUPERVISOR, WE'VE MOVED AS QUICKLY AS WE
16 COULD. WE NEEDED TO BRING ON AN OUTSIDE FIRM TO DO THAT WORK.
17 WE LAID OUT THAT FRAMEWORK WITH YOUR BOARD. PART OF THIS,
18 FRANKLY, IS ASKING ANYBODY TO COME FORWARD AND RESPOND TO A
19 REQUEST FOR PROPOSALS OR A REQUEST FOR SOLUTIONS WHILE THE
20 HOSPITAL WAS STILL OPEN WOULD BE VERY, VERY DIFFICULT AND THE
21 LIKELIHOOD OF GETTING A GOOD RESPONSE...

22

23 **SUP. ANTONOVICH:** I UNDERSTAND THAT BUT, WHY WHEN THE DECISION
24 WAS MADE TO CLOSE THE FACILITY, THAT THE FOLLOWING DAY OR
25 WEEK, THE R.F.P. COULDN'T HAVE GONE OUT? WHAT CHANGED?



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1

2 **DR. BRUCE CHERNOF:** SUPERVISOR, I'M NOT SURE THAT ANYTHING
3 CHANGED. THE CONTINGENCY PLAN WE BROUGHT FORWARD TO YOUR BOARD
4 LAID OUT THE WORK THAT WE NEEDED TO DO AND THE ORGANIZATION
5 THAT WE THOUGHT WAS MOST LIKELY TO BRING US A GOOD PRIVATE
6 PROVIDER. THEY HAVE OTHER CLIENTS. THE NEED TO FACTOR THIS
7 WORK IN IN A VERY SHORT TIME FRAME WITH THAT WORK AND THEY ARE
8 MOVING AS EXPEDITIOUSLY AS POSSIBLE.

9

10 **SUP. ANTONOVICH:** WHAT KIND OF METHODOLOGY IS BEING DEVELOPED
11 TO OBTAIN BASELINE INFORMATION ON 9-1-1 CALLS OR TRANSPORTS?

12

13 **DR. BRUCE CHERNOF:** SUPERVISOR ANTONOVICH, WE ARE-- E.M.S. IS
14 COLLECTING THEIR REGULAR DATA SETS THAT THEY ALWAYS COLLECT.
15 ONE OF THE REAL CHALLENGES WITH THAT DATA SET IS IT TENDS TO
16 RUN ANYWHERE FROM 45 TO 90 DAYS BEHIND AND SO IT DOESN'T GIVE
17 US REAL-TIME COMPARISONS. WE ARE WORKING CLOSELY WITH THE
18 IMPACTED PRIVATE HOSPITALS TO COLLECT THAT DATA DIRECTLY AND
19 WE ARE WORKING WITH THE HOSPITAL ASSOCIATION OF SOUTHERN
20 CALIFORNIA TO DEVELOP A BETTER REAL-TIME BASELINE THAT WE ALL
21 AGREE, FOR THE PUBLICS AND PRIVATES, IS MOST REASONABLE. THAT
22 DATA SOURCE IS NOT AS CLEAN OR AS STRAIGHTFORWARD AS WE WOULD
23 LIKE BUT WE ARE COMMITTED TO DEVELOPING IT TOGETHER AND
24 REPORTING TO YOUR BOARD.

25



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1 **SUP. ANTONOVICH:** AND HOW IS THE DEPARTMENT ASSISTING THE NINE
2 HOSPITALS THAT HAVE BEEN EXPERIENCING A PATIENT INCREASE?

3

4 **DR. BRUCE CHERNOF:** SUPERVISOR ANTONOVICH, THE WORK THAT WE'VE
5 DONE SO FAR INCLUDES TO REDRAW THE AMBULANCE BOUNDARIES, TO
6 PAY THE PRIVATE HOSPITALS FOR ALL OF THE PATIENTS THAT ARE
7 DIRECTED TO THEM BY THE 9-1-1 AMBULANCES, UP TO SIX DAYS FOR
8 THOSE WHO ARE ADMITTED, AS WELL AS A PAYMENT FOR THOSE THAT
9 ARE TREATED AND RELEASED. WE ALSO HAVE A PAYMENT STRUCTURE IN
10 PLACE FOR THE PHYSICIANS. SO THAT'S A BEGINNING POINT. THE
11 REALITY IS THAT, FOR THESE PRIVATE HOSPITALS, THE MONEY HELPS
12 COVER THE PATIENTS THEY SEE BUT IT DOESN'T DEAL WITH THE
13 FUNDAMENTAL ISSUE OF HOW CROWDED EMERGENCY ROOMS ARE IN
14 GENERAL, WHICH IS PART OF WHY YOUR ORIGINAL QUESTIONS ABOUT
15 MOVING TO REOPEN THE HOSPITAL AS QUICKLY AS POSSIBLE, I THINK,
16 ARE REALLY GERMANE BECAUSE THE WAY WE HELP THESE PRIVATE
17 HOSPITALS IN THE LONG RUN IS TO REOPEN AN EMERGENCY ROOM.

18

19 **SUP. ANTONOVICH:** NOW, I'VE BEEN TOLD THAT SOME OF THE
20 EMPLOYEES HAVE NOT BEEN REPORTING TO THEIR NEW ASSIGNMENTS. IF
21 THAT'S TRUE, WHAT HAS THE DEPARTMENT DONE TO ENSURE THAT THEY
22 DID REPORT OR DISMISS THEM IF THEY HAVEN'T? AND HAS THE
23 DEPARTMENT REACHED AND INDICATED ALL INFORMATION TO
24 TRANSFERRING EMPLOYEES, WHAT THEY HAD TO DO?

25



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1 **DR. BRUCE CHERNOF:** SUPERVISOR, WE HAVE 1,495 OR 96 EMPLOYEES
2 THAT ARE COMPLETELY REASSIGNED AND IN PLACE. I HAVE HEARD OF
3 NO SIGNIFICANT PROBLEMS OF INDIVIDUALS GETTING TO THEIR NEW
4 ASSIGNMENTS. IT WOULDN'T SURPRISE ME IF THERE WERE ONE OR TWO
5 SOMEWHERE BUT I HAVE NOT HEARD THOSE AND WE WILL REPORT THOSE
6 TO YOUR BOARD. MOST OF THAT MOVEMENT OCCURRED EITHER FRIDAY OR
7 MONDAY OR TODAY. SO I THINK THAT, NEXT TUESDAY, WE WILL HAVE A
8 LOT MORE INFORMATION FOR YOU ON THAT AS WELL AS THE RESOLUTION
9 OF THE FINAL SET OF OUTSTANDING EMPLOYEES.

10

11 **SUP. ANTONOVICH:** HAS ALL THE RETRAINING BEEN COMPLETED FOR
12 THOSE WHO FAILED THEIR COMPETENCY?

13

14 **DR. BRUCE CHERNOF:** FOR THOSE WHO HAVE FAILED-- FOR THOSE WHO
15 HAVE MOVED, YES, BUT ANYBODY WHO HAS NOT BEEN ABLE TO
16 DEMONSTRATE THAT THEY CAN MEET THOSE COMPETENCIES HAS NOT BEEN
17 REASSIGNED TO ANY OTHER HOSPITAL, CLINIC OR DEPARTMENT AND
18 THEY WILL BE MANAGED BY PERFORMANCE MANAGEMENT UNTIL SUCH TIME
19 AS THEY CAN PASS OR APPROPRIATE H.R. ACTIONS ARE TAKEN. I AM
20 NOT MOVING EMPLOYEES TO ANY OTHER FACILITY OR DEPARTMENT THAT
21 CAN'T MEET THOSE PERFORMANCE STANDARDS.

22

23 **SUP. ANTONOVICH:** AND HOW MANY CHANCES DO THEY HAVE TO TRY AND
24 PASS?

25



**The Meeting Transcript of
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1 **DR. BRUCE CHERNOF:** SUPERVISOR, IT'S ON A CASE BY CASE BASIS
2 RELATIVE TO THE SKILLS IN QUESTION. SO A NURSE IS DIFFERENT
3 THAN, SAY, A RESPIRATORY THERAPIST. AND WHAT THE SPECIFIC
4 PROBLEM IS, THERE'S A DIFFERENCE BETWEEN SOMEBODY WHO'S, SAY,
5 HAD A PROBLEM WITH A NUMBER OF COMPETENCIES OR DIDN'T COMPLETE
6 AS OPPOSED TO SOMEBODY WHO HAS FAILED TWO OR THREE
7 COMPETENCIES OVER AND OVER AND OVER AGAIN. SO PERFORMANCE
8 MANAGEMENT IS LOOKING AT EACH OF THOSE INDIVIDUALS BY
9 DISCIPLINE ON A CASE BY CASE BASIS. BUT I WANT TO SAY THIS
10 AGAIN. WE'RE NOT MOVING EMPLOYEES THAT CANNOT DEMONSTRATE THAT
11 THEY'VE PASSED COMPETENCIES.

12

13 **SUP. ANTONOVICH:** BUT WE'RE NOT GOING TO RETAIN EMPLOYEES WHO
14 HAVE A PATTERN OF FAILING THEIR COMPETENCY. THERE HAS TO BE A
15 TIME CERTAIN WHEN THEY EITHER PRODUCE OR ARE DISMISSED.

16

17 **DR. BRUCE CHERNOF:** THAT'S CORRECT. I AGREE.

18

19 **SUP. ANTONOVICH:** THANK YOU, MR. CHAIRMAN.

20

21 **SUP. YAROSLAVSKY, CHAIRMAN:** SUPERVISOR KNABE?

22

23 **SUP. KNABE:** YOU INDICATED EARLIER ABOUT THE CONVERSATION WITH
24 HARBOR U.C.L.A., ABOUT NOT HAVING GOOD BASE INFORMATION YET.
25 BUT, I MEAN, IT'S BEEN CONSISTENT AT HARBOR, THE INCREASE,



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1 RIGHT? I MEAN, IT'S BEEN ABNORMAL, IS THAT NOT CORRECT? I
2 MEAN, IT'S NOT BEEN NORMAL.

3

4 **DR. BRUCE CHERNOF:** I THINK HARBOR HAS BEEN BUSIER OVER THE
5 PAST FEW WEEKS, SUPERVISOR. THAT IS CLEAR TO ME. THEIR
6 DIVERSION TIME HASN'T GONE UP COMPARED TO YEAR OVER YEAR BUT I
7 DON'T THINK THAT THAT DATA ACCURATELY REFLECTS WHAT'S GOING ON
8 ON THE GROUND TODAY. SO I DO THINK THEY'RE BUSIER, YES.

9

10 **SUP. KNABE:** AND THEIR INPATIENT CENSUS IS UP, AS WELL, TOO, IS
11 THAT CORRECT?

12

13 **DR. BRUCE CHERNOF:** THAT IS CORRECT, SUPERVISOR.

14

15 **SUP. KNABE:** HAVE WE SEEN A SURGE OF PATIENTS, EITHER NEW OR
16 RETURNING, AT THE COUNTY HEALTH CENTERS LIKE HUMPHREY OR
17 DOLLAR HIDE?

18

19 **DR. BRUCE CHERNOF:** YOU KNOW, SUPERVISOR, I DON'T HAVE THAT
20 DATA AT MY FINGERTIPS BUT I WOULD BE GLAD TO REPORT THAT OUT
21 TO YOU BEFORE NEXT WEEK OR AS PART OF THE NEXT REPORT.

22

23 **SUP. KNABE:** OKAY. WHAT IS BEING DONE TO INCREASE THE NUMBER OF
24 HOURS OF OUR PUBLIC/PRIVATE PARTNERS IN THE M.L.K. CATCHMENT
25 AREA?



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1

DR. BRUCE CHERNOF: SUPERVISOR, WE ARE, AS WE SPEAK, WE ARE IN THE MIDST OF AN R.F.P. PROCESS WITH THE PUBLIC/PRIVATE PARTNERS. THOSE CONTRACTS NEED TO REVIEW, WE NEED THEIR COOPERATION AND SUPPORT FOR THE COVERAGE INITIATIVE. ALL OF THOSE INDIVIDUALS-- ALL OF THOSE ORGANIZATIONS, I APOLOGIZE, PUT FORWARD CAPACITY NUMBERS THAT THEY CAN PROVIDE. WE ARE REVIEWING THOSE CAPACITY NUMBERS NOW AND IN LIGHT OF WHAT HAS OCCURRED AT THE HOSPITAL. SO WE WILL BE LOOKING FOR OPPORTUNITIES TO PARTNER WITH THEM AS PART OF THE R.F.P. RENEWAL PROCESS.

12

SUP. KNABE: AND THAT, THE TIMELINE AGAIN? COULD YOU REPEAT THE TIMELINE ON THAT PARTICULAR PROCESS?

15

DR. BRUCE CHERNOF: WE'RE WORKING WITH THE C.E.O. STAFF NOW TO DEFINE THE TIMELINE.

18

SHEILA SHIMA: THERE'S ACTUALLY GOING TO BE A-- SHEILA SHIMA, DEPUTY C.E.O., THERE WILL BE A BOARD LETTER FILED-- IT HAS BEEN FILED AND WILL BE ON NEXT TUESDAY'S AGENDA SEEKING TO EXTEND THE EXISTING AGREEMENTS ON A MONTH-TO-MONTH BASIS UP TO SIX MONTHS. WE'RE NOT ANTICIPATING NEEDING THAT FULL AMOUNT OF TIME BUT WE ARE WORKING WITH THE DEPARTMENT AND-- WITH THE PROVIDERS TO GO AHEAD AND GET IN PLACE THE NEW AGREEMENTS.

25



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1

2 **SUP. KNABE:** YOUR REPORT ALSO STATES THAT OUR L.A. COUNTY
3 PARAMEDICS HAVE EXPERIENCED EXTENDED TRANSPORT AND E.R. WAIT
4 TIMES. HAS THIS RESULTED IN LONGER 9-1-1 PARAMEDIC RESPONSE
5 TIMES?

6

7 **DR. BRUCE CHERNOF:** SUPERVISOR KNABE, WE HAVE REPORTED THE DATA
8 AS IT HAS BEEN DESCRIBED TO US AND I DON'T HAVE THAT SPECIFIC
9 DATA THAT YOU'RE ASKING FOR BECAUSE THEY HAVE NOT PROVIDED IT.
10 I CAN CERTAINLY GO BACK AND SEE IF THEY HAVE IT. THIS IS A NEW
11 WORLD FOR MOST OF THESE PROVIDERS AND DATA WASN'T NECESSARILY
12 COLLECTED IN THE WAY THAT WE WANT MIGHT IT NOW SO I CAN...

13

14 **SUP. KNABE:** BUT IT'S A PIECE OF THE PUZZLE, I THINK, THAT, YOU
15 KNOW, MIGHT BE A GOOD AREA OF SOME DATA TO SORT OF MATCH UP TO
16 SOME OF THE OTHER CYCLES, PARTICULARLY IN THE NINTH HOSPITAL
17 AREA.

18

19 **DR. BRUCE CHERNOF:** I WOULD BE GLAD TO ASK THAT QUESTION TO SEE
20 IF THEY HAVE IT.

21

22 **SUP. KNABE:** THANK YOU.

23

24 **SUP. YAROSLAVSKY, CHAIRMAN:** SUPERVISOR MOLINA?

25



**The Meeting Transcript of
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1 **SUP. MOLINA:** I HAVE A COUPLE QUESTIONS. FIRST OF ALL, I'D LIKE
2 TO FIND OUT, I'D LIKE A REPORT, IF YOU COULD GIVE US, OF THE
3 809 REMAINING EMPLOYEES THAT ARE AT M.L.K., AS TO WHAT THEIR
4 CLASSIFICATIONS ARE, WHAT THEIR JOB FUNCTIONS ARE, WHAT
5 EXACTLY ARE THEY DOING, AS WELL AS THOSE THAT HAVE BEEN
6 REASSIGNED. YOU HAVE 765 THAT HAVE BEEN REASSIGNED. IF YOU
7 COULD TELL US AND GIVE US A REPORT OF THOSE CLASSIFICATIONS AS
8 WELL AS THEIR ASSIGNMENT LOCATIONS, I THINK THAT WOULD BE
9 HELPFUL TO US.

10

11 **DR. BRUCE CHERNOF:** WE'D BE GLAD TO PROVIDE THAT TO YOU,
12 SUPERVISOR.

13

14 **SUP. MOLINA:** AND MY CONCERN, AND, AGAIN, THIS IS FOR THE
15 C.E.O., I PUT IN A MOTION ON AUGUST 13TH ABOUT CREATING A VERY
16 TIGHT TIMEFRAME FOR IMPLEMENTATION OF LOOKING FOR A NEW
17 CONTRACTOR. YOU DIDN'T WANT ME TO PUT IN A TIMEFRAME, IT TOOK
18 LONGER IN THE FRONT END. BUT I AM CONCERNED THAT IT SEEMS TO
19 BE MOVING ON THAT VERY SAME BUREAUCRATIC LITTLE BURRO THAT,
20 YOU KNOW, YOU'RE GETTING THE HAMMES FOLKS TO DO THIS AND THEY
21 STARTED OUT BY ISSUING A PUBLIC AD ON SEPTEMBER THE FIFTH. I
22 MEAN, LIKE, IF SOMEBODY'S GOING TO BE READING THE PAPER
23 SOMEWHERE AND SAY, "OH GEE, I GOT TO GO PUT IN A BID FOR THAT
24 HOSPITAL." IT JUST DOESN'T MAKE SENSE TO ME. IF WE'RE GOING TO
25 GO THE STANDARD ROUTE, WHICH IS, YOU KNOW, YOU KNOW, I WASN'T



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1 GOING TO OUTLINE IT, GO DIRECTLY TO THE U.C. REGENTS AND ASK
2 THEM TO OPEN UP A HOSPITAL, WHAT'S ONE STRATEGY? AND THERE'S
3 SUPPOSED TO BE OTHERS. WE HAD BEEN TOLD THERE MIGHT BE
4 POTENTIALLY OTHERS BUT NOW WE SEEM TO BE GOING AND HIRING A
5 CONSULTING FIRM TO JUST GET THE REGULAR ROUTE. I'M TROUBLED BY
6 THAT AND I HAVE NOT RECEIVED ANY NEW STRATEGY FROM THE
7 DEPARTMENT OR THE C.E.O. WITH REGARD AS TO HOW WE'RE GOING TO
8 APPROACH THIS. IT SEEMS TO BE, YOU KNOW, LET'S GO THE REGULAR
9 ROUTE. WE START OUT BY PUTTING AN AD IN THE PAPER THAT WE'RE
10 LOOKING FOR SOMEBODY AND, I MEAN, IT SAYS ON HERE THAT THEY
11 EXPECT THAT IT'D GOING TO TAKE UP TO FOUR MONTHS FOR THEM TO
12 RESPOND HERE.

13
14 **C.E.O. FUJIOKA:** THE AD IS ONLY ONE STEP. THIS COMPANY-- WE'RE
15 MEETING WITH THEM THIS WEEK TO SIT DOWN AND GET MORE
16 INFORMATION BUT IT'S MY UNDERSTANDING THEY'VE ALREADY MET WITH
17 SEVERAL POTENTIAL PROVIDERS. THE TIMELINE, WHICH YOU DON'T
18 HAVE IN FRONT OF YOU, IS TO IDENTIFY A SUCCESSOR ORGANIZATION
19 BY THE END OF THIS CALENDAR YEAR, BY DECEMBER 31ST. THAT'S OUR
20 GOAL RIGHT NOW, WHICH WOULD THEN ALLOW US TIME TO START TO PUT
21 THE PLAN TOGETHER, TO MAKE THE TRANSITION. BUT THEY HAVE BEEN
22 DOING THINGS OTHER THAN JUST PUTTING AN AD IN THE PAPER. THE
23 ISSUE THAT I WAS TALKING TO THROUGH THE U.C. TO PARTNER WITH
24 US IS SOMETHING THAT'S ALREADY IN MOTION. WE HAVE SOME STEPS
25 THAT WE ARE GOING TO INITIATE ALONG THAT LINE THAT MAY REQUIRE



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1 A LEGISLATIVE FIX OR ASSISTANCE BUT THERE ARE SEVERAL PARALLEL
2 ACTIONS THAT ARE BEING TAKEN-- THAT ARE GOING ON OTHER THAN
3 JUST MERELY CASTING OUT...

4

5 **SUP. MOLINA:** I GUESS THAT'S WHAT WE DON'T KNOW. WE DON'T KNOW
6 BECAUSE IT'S NOT IN OUR REPORT.

7

8 **C.E.O. FUJIOKA:** YES.

9

10 **SUP. MOLINA:** I THINK THAT, EITHER SOMEWHERE ALONG THE WAY, WE
11 NEED TO-- I JUST DON'T WANT TO GET INTO A SITUATION EIGHT
12 MONTHS DOWN THE LINE AND SAY, WE DID THESE THERE THINGS AND
13 NONE OF THEM WORKED AND I WOULD RATHER BE BETTER INFORMED ON
14 THE FRONT END AS TO EXACTLY WHAT THREE THINGS WE'RE GOING TO
15 APPROACH. I MEAN, THE ISSUE OF THE U.C. SYSTEM, THAT'S NOT AN
16 OLD ISSUES. THAT'S, I MEAN, THAT-- I MEAN, THAT'S NOT A NEW
17 ISSUE IT'S AN ONGOING ISSUE. I MEAN, I DON'T KNOW IF THAT WAS
18 ONE OF THE THINGS BUT IT CERTAINLY WASN'T REPORTED TO US. THE
19 OTHER ISSUES AS OTHER GROUPS. IT'S JUST THAT, WHEN THE FIRST
20 THING I SEE IS THAT YOU PUT AN AD IN THE PAPER, THAT'S JUST
21 NOT-- DOESN'T GIVE ME ASSURANCES.

22

23 **C.E.O. FUJIOKA:** YOU'RE RIGHT. WE HAVE TO DO A BETTER JOB IN
24 LAYING OUT ALL THE STEPS THAT WE HAVE TAKEN BECAUSE IT'S
25 ABSOLUTELY MORE THAN JUST PUTTING A FEW ADS IN THE PAPER.



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1

2 **SUP. MOLINA:** ABSOLUTELY. IT'S KIND OF LIKE CREATING STRATEGIES
3 AS TO HOW WE'RE GOING TO APPROACH IT.

4

5 **C.E.O. FUJIOKA:** YES.

6

7 **SUP. MOLINA:** FOR EXAMPLE, I DON'T EVEN KNOW WHAT WE ARE--
8 WE'RE MARKETING. I MEAN, NOBODY HAS EVEN TOLD ME WHAT WE'RE
9 MARKETING. I MEAN, WHAT'S THE CAPABILITY OF THAT HOSPITAL,
10 THAT FACILITY, THE LICENSE? THERE ARE MANY THINGS THAT ARE
11 THERE. THE FACT THAT WE SUSPENDED OUR LICENSE, THAT WE DON'T
12 HAVE TO GO THROUGH NEW-- NONE OF THAT, WE HAVE NOT BEEN TOLD
13 ANY OF THESE THINGS. SO I HAVE NO IDEA WHAT THESE GUYS ARE
14 PUTTING IN PLACE. I MEAN, IF YOU SAW AN AD IN THE PAPER, AND I
15 DIDN'T SEE THE AD, AS, YOU KNOW, "HOW WOULD YOU LIKE TO INVEST
16 IN BUYING MARTIN LUTHER KING HOSPITAL?" I MEAN, HOW DO YOU
17 SELL THIS THING? SO I'M JUST TRYING-- I DON'T EVEN KNOW. I
18 HAVEN'T BEEN TOLD WHAT WE'RE MARKETING. I'M TROUBLED ALSO BY
19 THE FACT THAT WE HAVE SO MANY SPECIALTIES THROUGHOUT THE
20 HOSPITAL AS TO WHETHER WE'RE GOING TO HAVE THE ABILITY TO TURN
21 OVER A FACILITY TO ANY OPERATOR OR WHETHER, WELL, YOU GET
22 THESE THINGS BUT YOU DON'T GET THIS. WE NEED TO SHARE THESE
23 OPERATING ROOMS BUT YOU-- SO I-- WE DON'T EVEN HAVE ALL OF
24 THAT. I THINK WE NEED TO DO A BETTER JOB. AND I HAD ASKED THAT
25 IN MY MOTION. AND I KNOW YOU DIDN'T WANT TO GIVE US A TIGHT



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1 TIMEFRAME ON IT BUT I DON'T GET THE IMPRESSION, FROM WHAT I'VE
2 GOTTEN UP TO NOW, THAT THERE IS A SEPARATE TEAM OPERATING WITH
3 A MANDATE THAT, ONE YEAR FROM NOW, THEY'VE GOT TO DELIVER.
4 THEY CAN'T COME IN HERE AND SAY, "WELL, LOOK, WE TRIED. HERE'S
5 THE 16 THINGS THAT WE DID AND NOTHING HAPPENED AND SO OUR
6 CONTRACT IS OVER SO WE'RE ON OUR MERRY WAY."

7

8 **C.E.O. FUJIOKA:** OKAY.

9

10 **SUP. YAROSLAVSKY, CHAIRMAN:** OKAY. ANY OTHER DISCUSSION?

11

12 **SUP. BURKE:** SOMEONE MUST BE READING THE ADS, I GOT A CALL
13 EVERY DAY. I SEND THEM ALL TO DR. CHERNOF.

14

15 **DR. BRUCE CHERNOF:** YES, YOU DO.

16

17 **SUP. BURKE:** SOME OF THEM ARE PRETTY CRAZY.

18

19 **SUP. YAROSLAVSKY, CHAIRMAN:** YOU'VE DRAFTED, BASED UPON THE
20 EARLIER DISCUSSION, THE MOTION THAT I MADE AND MS. BURKE
21 SECONDED. DO YOU WANT TO JUST READ IT SO WE HAVE IT IN THE
22 RECORD?

23

24 **CLERK SACHI HAMAI:** SURE. THE MOTION IS AS FOLLOWS. INSTRUCT
25 THE CHIEF EXECUTIVE OFFICER AND THE DIRECTOR OF HEALTH



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1 SERVICES TO PREPARE A FIVE SIGNATURE LETTER TO THE GOVERNOR,
2 PRESIDENT PRO TEM OF THE STATE SENATE AND THE SPEAKER OF THE
3 STATE ASSEMBLY AND THE PRESIDENT OF THE BOARD OF REGENTS OF
4 THE UNIVERSITY OF CALIFORNIA REQUESTING THAT THEY ENTER INTO
5 DISCUSSIONS WITH THE COUNTY OF LOS ANGELES OVER THE UNIVERSITY
6 OF CALIFORNIA TAKING OVER THE OPERATION OF KING-HARBOR
7 HOSPITAL.

8

9 **SUP. YAROSLAVSKY, CHAIRMAN:** BRUCE AND MR. FUJIOKA, IF YOU'D
10 TRY TO GET THAT DRAFT TO US BY NEXT WEEK. OKAY. WE HAVE,
11 BEFORE WE VOTE ON ANYTHING, COULD WE JUST-- WE HAD TWO PEOPLE
12 WHO WANTED TO BE HEARD. DR. CLAVREUL? IS SHE STILL HERE? MR.
13 SACHS? OKAY.

14

15 **ARNOLD SACHS:** GOOD AFTERNOON, THANK YOU VERY MUCH, COUNTY
16 BOARD OF SUPERVISORS. ARNOLD SACHS. I WOULD JUST LIKE TO CALL
17 INTO QUESTIONING A BUDGETING ACCOUNTABILITY FOR M.L.K. THE
18 BUDGET FOR THE COUNTY IS \$240 MILLION, WHAT I UNDERSTAND FROM
19 PREVIOUS MEETINGS THAT HAVE BEEN HELD, AND NOW THAT THE STAFF
20 HAS BEEN REDUCED TO AROUND 800, WHAT'S THE BUDGET NOW? THE 765
21 EMPLOYEES THAT WERE REASSIGNED, HOW MANY EMPLOYEES WERE BUMPED
22 OUT OF POSITION TO ACCOMMODATE THE 765 EMPLOYEES? I'D ALSO
23 LIKE TO KNOW IF THERE'S SOME KIND OF PROGRAM THAT'S GOING TO
24 BE PUT INTO EFFECT TO OFFSET THE ECONOMIC FALLOUT FROM THE
25 CLOSURE OF M.L.K. IN THE LOCAL AREA, IF THE COUNTY IS MOVING



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1 TO PROVIDE SOME SERVICES TO THE COMMUNITY AT LARGE AROUND THE
2 AREA BECAUSE OF THE CLOSURE OF M.L.K. AND WE HEARD EARLIER
3 TODAY THERE WAS SOME VERY SERIOUS QUESTIONING ON ITEM NUMBER
4 23 OF THE BUDGETARY INCREASES FOR L.A.C., U.S.C. HOSPITAL AND
5 I APPRECIATE HEARING THAT BUT I'D LIKE TO POINT OUT THAT, IN
6 THAT DISCUSSION, IT WAS BROUGHT UP THAT ONE OF THE ARCHITECTS,
7 H.O.K., WAS RECEIVING \$12 MILLION FOR A SETTLEMENT. AND NOW
8 THEY ARE BACK ON BOARD GETTING MORE MONEY FOR CHANGE ORDERS.
9 AND THAT, IN THE SUMMER, OVER THIS PREVIOUS SUMMER, THE COUNTY
10 BOARD OF SUPERVISORS HAD BEFORE THEM A CONTRACTOR FOR A FLOOD
11 CONTROL BARRIER WHICH DID SHODDY WORK. AS A MATTER OF FACT,
12 THE COUNTY BOARD MOVED TO CENSOR THE CONTRACTOR SO HE'S NOT
13 ELIGIBLE TO DO ANY MORE BIDDING FOR COUNTY WORK. I'M WONDERING
14 WHY H.O.K. IS STILL ALLOWED TO COLLECT MONEY OR STILL ALLOWED
15 TO BE INVOLVED WITH PLANNING FOR PROJECTS WHEN THEY'VE ALREADY
16 COLLECTED \$12 MILLION ONE TIME. I KNOW THAT'S JUST OFF THE
17 RECORD BUT I'D JUST LIKE TO POINT OUT THAT THAT'S PART OF
18 ACCOUNTABILITY AND I'D LIKE TO KNOW THAT THE SAME
19 ACCOUNTABILITY IS GOING INTO M.L.K. AND MY QUESTIONS REALLY
20 REFER TO THE BUDGET AND HOW THE MONEY HAS BEEN MOVED AROUND OR
21 WHERE THE MONEY IS BEING MOVED TO NOW THAT THE HOSPITAL IS
22 CLOSED. THANK YOU VERY MUCH FOR YOUR TIME.

23

24 **SUP. YAROSLAVSKY, CHAIRMAN:** THANK YOU. IS DR. CLAVREUL BACK?
25 ALL RIGHT. THEN WE HAVE THE ITEM BEFORE US. IS THERE ANY



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1 OBJECTION TO THE MOTION? WITHOUT OBJECTION, UNANIMOUS VOTE.

2 MIKE, YOU'RE STILL UP.

3

4 **SUP. ANTONOVICH:** ITEM NUMBER 47.

5

6 **SUP. YAROSLAVSKY, CHAIRMAN:** ITEM 47. THIS IS THE HEARING ITEM,
7 RIGHT?

8

9 **SUP. KNABE:** MR. CHAIRMAN, I HAVE SOME QUESTIONS.

10

11 **CLERK SACHI HAMAI:** CORRECT, IT IS THE PUBLIC HEARING ITEM. AND
12 IF I COULD SWEAR EVERYBODY IN. ALL THOSE WHO PLAN TO TESTIFY
13 BEFORE THE BOARD ON ITEM 47, PLEASE STAND AND RAISE YOUR RIGHT
14 HAND TO BE SWORN IN? [OATH ADMINISTERED]

15

16 **CLERK SACHI HAMAI:** THANK YOU. YOU MAY BE SEATED. AND I WILL
17 READ THE SHORT TITLE IN FOR THE RECORD. THIS IS A HEARING ON
18 AMENDMENT TO THE COUNTY CODE TITLE 22, PLANNING AND ZONING,
19 ESTABLISHING NEW DEVELOPMENT STANDARDS AND CASE PROCESSING
20 PROCEDURES AND CONDITIONS FOR THE CONSTRUCTION OF WIRELESS
21 TELECOMMUNICATION FACILITIES AND TO ESTABLISH ENFORCEMENT
22 FEES.

23

24 **SUP. YAROSLAVSKY, CHAIRMAN:** ALL RIGHT, STAFF?

25



**The Meeting Transcript of
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1 **KAREN SIMMONS:** GOOD MORNING. KAREN SIMMONS WITH THE DEPARTMENT
2 OF REGIONAL PLANNING. SITTING NEXT TO ME IS RON HOFFMAN ALSO
3 WITH THE DEPARTMENT OF REGIONAL PLANNING. THE PROPOSED
4 WIRELESS ORDINANCE WAS HEARD BY THE REGIONAL PLANNING
5 COMMISSION ON SEPTEMBER 27TH AND NOVEMBER 20TH OF 2006 AND
6 APPROVED ON JANUARY 24TH OF 2007. PREVIOUSLY, THE COUNTY HAS
7 REQUIRED A CONDITIONAL USE PERMIT FOR ALL WIRELESS
8 TELECOMMUNICATION FACILITIES. THIS ORDINANCE PROVIDES FOR
9 FACILITIES TO BE APPROVED THROUGH A SITE PLAN, DIRECTORS'
10 REVIEW OR CONDITIONAL USE PERMIT, DEPENDING ON THE SIZE AND
11 LOCATION OF THE FACILITY. ALTHOUGH THE MATTER WAS ORIGINALLY
12 SCHEDULED TO BE BEFORE THE BOARD IN AUGUST OF 2007, COUNTY
13 COUNSEL REQUESTED A CONTINUANCE OF THIS CASE TO ADDRESS THE
14 IMPACTS OF TWO RECENTLY DECIDED LAWSUITS ON THE PROPOSED
15 ORDINANCE. AFTER DISCUSSING THIS WITH COUNTY COUNSEL, WE WOULD
16 SUGGEST SEVERAL CHANGES TO THE PROPOSED ORDINANCE. IT WAS
17 APPROVED BY THE REGIONAL PLANNING COMMISSION. THOSE CHANGES
18 ARE AS FOLLOWS: FIRST, THE PLANNING DEPARTMENT'S REVIEW OF
19 WIRELESS FACILITIES LOCATED WITHIN THE RIGHT OF WAY SHOULD BE
20 ELIMINATED. INSTEAD, THESE FACILITIES WOULD REQUIRE AN
21 ENCROACHMENT PERMIT FROM THE DEPARTMENT OF PUBLIC WORKS UNDER
22 TITLE 16 OF THE COUNTY CODE. IN ADDITION, TITLE 16 SHOULD BE
23 AMENDED TO ADD DEVELOPMENT STANDARDS ADDRESSING AESTHETIC
24 ISSUES. SECOND, AN EXCEPTION TO THE REVIEW OF WIRELESS
25 FACILITIES WITHIN THE PUBLIC RIGHT OF WAY SHOULD BE MAKE FOR



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1 CENTRAL CO-LOCATION FACILITIES. THESE ARE WIRELESS FACILITIES
2 SUBJECT TO SPECIAL PROVISIONS OF STATE LAW IF THEY MEET
3 CERTAIN CRITERIA. FOR THESE FACILITIES, THE DISCRETIONARY
4 CENTRAL SITE PERMIT PROCESS CONTAINED IN THE PROPOSED
5 ORDINANCE WOULD REMAIN THE SAME. THIRD, WITHIN THE PROPOSED
6 WIRELESS ORDINANCE, THERE WAS WORDING RELATING TO
7 DETERMINATION MADE BY-- TO THE SATISFACTION OF THE DIRECTOR,
8 THE HEARING OFFICER OR THE REGIONAL PLANNING COMMISSION.
9 REGIONAL PLANNING SUGGESTS THAT THIS IS BROAD DISCRETION TO
10 DECISION MAKERS AND SHOULD BE REMOVED FROM THE PROPOSED
11 ORDINANCE. MOVING THIS WORDING WOULD NOT CHANGE THE PURPOSE OF
12 THE DEVELOPMENT STANDARDS OR PROCEDURES AND ORDINANCE AND
13 WOULD CLARIFY THAT THE STANDARDS ARE TO BE APPLIED
14 OBJECTIVELY. FOURTH, THE PROHIBITION OF PLACING COMMERCIAL
15 WIRELESS FACILITIES ON COUNTY OWNED OR COUNTY LEASED PROPERTY
16 AND CONTAINED COUNTY WIRELESS FACILITIES SHOULD BE ELIMINATED.
17 STAFF HAS RECENTLY SPOKE WHEN THE CHIEF DEPUTY DIRECTOR OF
18 I.S.D.'S FACILITY OPERATING SERVICES. I.S.D. IS OF THE OPINION
19 AN ACCEPTABLE APPROACH TO PERMITTING WIRELESS
20 TELECOMMUNICATIONS FACILITIES ON SUCH PROPERTIES WOULD BE THE
21 REQUIREMENT OF A SITE PLAN REVIEW BY THE DEPARTMENT OF
22 REGIONAL PLANNING AND THE APPROVAL OF THE REQUEST BY I.S.D.
23 FIFTH, THE PROVISIONS RELATED TO SMALL BUILDING MOUNTING
24 FACILITIES AND HEIGHT LIMITS SHOULD BE CLARIFIED. IN
25 CONCLUSION, THE PROPOSED ORDINANCE, WITH SUGGESTED CHANGES,



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1 ESTABLISHES REASONABLE CASE PROCESSING PROCEDURES AND
2 CONDITIONS OF USE FOR WIRELESS TELECOMMUNICATION FACILITIES.
3 THIS CONCLUDES STAFF'S PRESENTATION. WE'RE AVAILABLE FOR ANY
4 QUESTIONS.

5

6 **SUP. YAROSLAVSKY, CHAIRMAN:** DO YOU HAVE A COPY OF THAT, WHAT
7 YOU JUST READ? CAN YOU MAKE IT AVAILABLE TO ALL OF US SO WE
8 CAN TAKE A LOOK AT IT? YOU MAY HAVE DONE THAT EARLIER. I
9 DIDN'T GET IT.

10

11 **KAREN SIMMONS:** OH, THE PRESENTATION?

12

13 **SUP. YAROSLAVSKY, CHAIRMAN:** YEAH. STEVE, WHY DON'T YOU MAKE
14 SOME COPIES OF THAT? MR. KNABE?

15

16 **SUP. KNABE:** I HAVE SOME QUESTIONS FOR COUNTY COUNSEL.

17

18 **SUP. YAROSLAVSKY, CHAIRMAN:** AND THEN MIKE.

19

20 **SUP. KNABE:** THE SPRINT AND NEXTG COURT CASES HAD AN IMPACT ON
21 A PROPOSED ORDINANCE. I'D LIKE FOR YOUR COMMENTS ON WHAT THIS
22 MEANS AND WHAT YOU'RE RECOMMENDING.

23

24 **RAYMOND G. FORTNER, JR.:** MR. CHAIRMAN, SUPERVISOR KNABE.

25



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1 **SUP. KNABE:** AND ALSO WHAT OUR LEGAL OPTIONS ARE.

2

3 **RAYMOND G. FORTNER, JR.:** AND OTHER MEMBERS OF THE BOARD. YOU
4 ARE CORRECT. SUBSEQUENT TO THE PLANNING COMMISSION
5 RECOMMENDING THE ORDINANCE WHICH IS BEFORE YOU FOR YOUR
6 CONSIDERATION, TWO SIGNIFICANT CASE DECISIONS HAVE COME DOWN,
7 THE SPRINT VERSUS SAN DEO CASE AND THEN A PRELIMINARY
8 INJUNCTION HEARING INVOLVING THE COUNTY OF LOS ANGELES. IN
9 ESSENCE, BOTH COURTS, FEDERAL COURTS, FOUND THAT A DETAILED
10 LENGTHY, CONDITIONAL USE PERMIT PROCESSES WERE PREEMPTED BY
11 FEDERAL LAW BECAUSE THEY COULD HAVE THE EFFECT OF PREVENTING
12 WIRELESS SERVICE. IN THE NEXTG CASE, WE ORGANIZED STRENUOUSLY
13 THAT OUR CONDITIONAL USE PERMIT PROCESS WAS REASONABLE, DID
14 NOT TAKE AN INORDINATE AMOUNT OF TIME, DID NOT HAVE INORDINATE
15 AMOUNT OF DISCRETION BUT THE COURT DISAGREED. UNFORTUNATELY,
16 FROM THAT STANDPOINT, THIS IS NOT AN ANOMALY. THE RECENT CASE
17 DECISIONS SPECIFICALLY IN THE NINTH CIRCUIT SEEM TO BE ALL
18 HEADING IN THIS DIRECTION. IN LIGHT OF THAT, AS KAREN
19 INDICATED, WITH RESPECT PRIMARILY TO FACILITIES IN THE RIGHTS
20 OF WAY, WE RECOMMEND THAT YOUR BOARD TAKE ONE OF TWO OPTIONS.
21 THE FIRST WOULD BE TO ELIMINATE DISCRETIONARY PLANNING REVIEW
22 FOR FACILITIES WITHIN THE RIGHT OF WAY. THIS, FRANKLY, WOULD
23 BE THE CLEANEST SOLUTION AND WOULD BEST PREVENT A COURT FROM
24 COMING BACK IN AND SUGGESTING WE STILL HAD A PROBLEM WITH OUR
25 REGULATIONS AND THE RIGHT OF WAY. THE OTHER OPTION WOULD BE TO



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1 HAVE A MUCH MORE STREAMLINED SITE PLAN REVIEW FOR FACILITIES
2 IN THE RIGHT OF WAY. HOWEVER, IF WE WERE GOING TO DO THAT FOR
3 CELLULAR FACILITIES, IN LIGHT OF THE ANTI-DISCRIMINATORY
4 PROVISIONS IN FEDERAL AND STATE LAWS, WE BELIEVE YOUR BOARD
5 WOULD HAVE EXTEND THOSE TO WIRE LINE AND ENERGY FACILITIES,
6 WHICH MAY HAVE SOME SIGNIFICANT PRACTICAL AND-- IMPACTS UPON
7 COUNTY STAFF. WE DO BELIEVE, HOWEVER, THAT, EVEN IF YOUR BOARD
8 GETS RID OF THE DISCRETIONARY LAND USE PERMIT FOR FACILITIES
9 IN THE RIGHTS OF WAY, THAT WE COULD IMPOSE REASONABLE
10 STANDARDIZED PROVISIONS IN THE HIGHWAY ORDINANCE TO CONTROL
11 THE ENCROACHMENTS, WHICH WOULD HAVE MANY OF THE SAME
12 DEVELOPMENT STANDARDS WHICH ARE CURRENTLY IN THE PROPOSED
13 ORDINANCE BEFORE YOU.

14

15 **SUP. KNABE:** YOU GAVE US THIS MEMO AND WITH SOME-- WITH VARIOUS
16 LEGAL OPTIONS. AND OPTION NUMBER 1, WHAT IMPACT WOULD THIS
17 HAVE ON OUR COMMUNITIES? WOULD, ALL OF A SUDDEN, WE'D BE
18 SEEING THESE FACILITIES WHERE THEY HAVEN'T BEEN BUILT BEFORE,
19 100-FOOT POLES CAMOUFLAGED AS PINE TREES AND RIGHTS OF WAY?

20

21 **RICHARD WEISS:** WELL, AS A PRACTICAL MATTER, MOST OF--
22 HISTORICALLY, MOST OF THE CONDITIONAL USE PERMIT APPLICATIONS
23 THAT HAVE BEEN SUBMITTED AND PROCESSED UNDER OUR OCCURRENCE
24 SCHEME HAVE ENDED UP BEING APPROVED. SO I DON'T THINK YOU'RE



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1 GOING TO SEE A SIGNIFICANT INCREASE IN THE RATE IN WHICH THESE
2 FACILITIES APPEAR WITHIN THE RIGHTS OF WAY.

3

4 **SUP. KNABE:** OKAY. IS SOMEONE FROM PUBLIC WORKS HERE? DON, IF
5 WE WERE TO CONSIDER COUNTY COUNSEL'S OPTION NUMBER 1, CAN YOU
6 OR, I MEAN, PUBLIC WORKS EXPLAIN HOW THE ENCROACHMENT PERMIT
7 PROCESS WORKS AND WHAT SORT OF STANDARD CONDITIONS COULD BE
8 DEVELOPED TO ENSURE THAT THESE FACILITIES ARE PROPERLY SITED?

9

10 **DON WOLFE:** OKAY, WELL, AS-- DON WOLFE, DIRECTOR OF PUBLIC
11 WORKS. SUPERVISOR, CURRENTLY, WE REVIEW APPLICATIONS FOR
12 STRUCTURES IN THE PUBLIC RIGHT OF WAY BASICALLY STRICTLY FOR
13 THEIR IMPACTS ON PEDESTRIAN AND VEHICULAR TRAFFIC AND
14 AESTHETICS, OF COURSE, IS NOT INCLUDED IN THE ORDINANCES THAT
15 WE'RE ENFORCING. IT'S JUST STRICTLY THE SAFETY ISSUES AND HOW
16 THEY IMPACT OUR RIGHT OF WAY. WE COULD, WORKING WITH COUNTY
17 COUNSEL AND REGIONAL PLANNING, DEVELOP SOME ISSUES WITH
18 RESPECT TO AESTHETICS BUT WE'D HAVE TO REMEMBER THAT, WHATEVER
19 WE APPLY TO THESE WIRELESS DEVICES MIGHT ALSO HAVE TO BE
20 APPLIED TO SUCH THINGS AS OUR CONTROLLERS AND THINGS LIKE THAT
21 THAT WE PUT IN THE RIGHT OF WAY THAT ARE VERY SIMILAR TO SOME
22 OF THE DEVICES THAT WE'RE TALKING ABOUT SO IT WOULD APPLY TO
23 EVERYTHING.

24



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1 **SUP. KNABE:** WELL, I MEAN, OTHER THAN THE SAFETY ISSUE, I MEAN,
2 WITH OUR CURRENT PROCESS, YOU KNOW, WOULD IT PROVIDE ADEQUATE
3 PROTECTION FOR OUR COMMUNITIES AS IT RELATES TO THESE SITINGS?

4

5 **DON WOLFE:** WELL, YES, BUT THE ISSUES OF AESTHETICS HAS NOT
6 BEEN ONE THAT PUBLIC WORKS, AS A DEPARTMENT, UNDER OUR
7 PERMITTING PROCESS, HAS BEEN DEALING WITH.

8

9 **SUP. YAROSLAVSKY, CHAIRMAN:** WOULDN'T WANT TO HURT YOUR
10 REPUTATION?

11

12 **DON WOLFE:** NO, SIR. WE'RE A MINISTERIAL DEPARTMENT,
13 SUPERVISOR.

14

15 **SUP. KNABE:** TO REGIONAL PLANNING, THE AMENDMENTS OF THE
16 PROPOSED ORDINANCES ARE NEEDED TO, OBVIOUSLY, RESOLVE THE
17 ISSUES THAT ARE RAISED BY COUNTY COUNSEL AND WHAT I FEEL ARE
18 REASONABLE REVISIONS REQUESTED BY THE CARRIERS. HAVE YOU SEEN
19 THE MAY 16TH LETTER FROM, I BELIEVE IT WAS T-MOBILE
20 IDENTIFYING THEIR ISSUES?

21

22 **RON HOFFMAN:** RON HOFFMAN FROM THE DEPARTMENT OF REGIONAL
23 PLANNING. YES, SUPERVISOR, I HAVE.

24



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1 **SUP. KNABE:** DOES THE DEPARTMENT HAVE ANY PARTICULAR
2 RECOMMENDATIONS OR CONVERSATION AS IT RELATES TO THESE ISSUES
3 FOR OUR EDIFICATION HERE AT THE BOARD?

4

5 **RON HOFFMAN:** CERTAINLY. I COULD BRIEFLY GO THROUGH THE POINTS
6 RAISED IN THE LETTERS FOR YOU. THESE ITEMS, FOR THE MOST PART,
7 WERE CONSIDERED BY THE REGIONAL PLANNING COMMISSION AND THE
8 COMMISSION DID MAKE SOME CHANGES ON SOME OF THESE ITEMS AND,
9 ON OTHER ITEMS, THEY DID NOT. THE FIRST ITEM RELATES TO THE
10 USE OF COUNTY-OWNED FACILITIES WHERE THERE ARE COUNTY WIRELESS
11 FACILITIES IN PLACE. AND WE HAVE, AS KAREN SIMMONS POINTED
12 OUT, MADE A RECOMMENDATION TO ALLOW THOSE, AFTER CONSULTATION
13 WITH I.S.D., AND WITH THEIR REVIEW AND APPROVAL. THE SECOND
14 ITEM IS ONE DEALING WITH THE SIZE LIMITATIONS THAT THE
15 PROPOSED ORDINANCE HAS IN RELATIONSHIP TO THE GROUND
16 EQUIPMENT. THE LETTER INDICATES THAT, IF THESE WERE WHAT THEY
17 CALL STEALTHED, THAT PERHAPS WE COULD TREAT THEM IN A
18 DIFFERENT FASHION. WHILE THIS MAY BE SO, THE TERM "STEALTH"
19 AND THE QUALITIES OR ASPECTS OF A GROUND MOUNTED FACILITY THAT
20 WOULD QUALIFY, THAT'S SOMEWHAT VAGUE AND WE WOULD CERTAINLY
21 HAVE TO WORK CLOSELY ON DEVELOPING APPROPRIATE STANDARDS TO
22 SEE IF THOSE WERE WORKABLE. BUT WE DO HAVE SOME CONCERNS ON
23 THE IMPACTS THAT GOING THIS ROUTE MAY HAVE ON RESIDENTIAL AND
24 AGRICULTURAL ZONES, THE USES IN THOSE ZONES. SO I THINK AT
25 THIS TIME WE WOULD NOT RECOMMEND THAT ANY CHANGE BE MADE TO



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1 INCLUDE STEALTH FACILITIES. WE BELIEVE, TOO, THE PROPOSED
2 ORDINANCE DOES CURRENTLY PROVIDE A NUMBER OF CAMOUFLAGE AND
3 CONDITIONS AND STANDARDS TO REQUIRE THAT THESE FACILITIES
4 BLEND INTO THE COMMUNITY. THE NEXT ITEM RELATES TO THEIR
5 REQUEST TO HAVE SMALL FACILITIES, THE VARIOUS STANDARDS THAT
6 WE HAVE TO DEFINE A SMALL FACILITY INCREASED IN TERMS OF THE
7 GROUND EQUIPMENT AND THE PANELS. AFTER OUR REVIEW WITH OTHER
8 CARRIERS, WE THINK THIS IS A REASONABLE REQUEST AND WOULD
9 SUPPORT THAT. THE NEXT ITEM RELATES TO THE INSTALLATION OF
10 FACILITIES, ANTENNAS, ET CETERA ON HIGH VOLTAGE TRANSMISSION
11 TOWERS, SIMILAR SORTS OF STRUCTURES LIKE THAT. WE THINK THAT'S
12 AN APPROPRIATE SUGGESTION AND WOULD SUPPORT THAT WITH THE
13 CAVEAT THAT ANY SUCH EQUIPMENT, FACILITIES ALSO BE REVIEWED BY
14 THE FIRE DEPARTMENT SO THAT THERE IS NO CONFLICT WITH FIRE
15 SAFETY AS IT RELATES TO PLACING WIRELESS FACILITIES IN THESE
16 LOCATIONS. NEXT ITEM HAS TO DO WITH USE OF PARKS AND PRIVATELY
17 OWN RECREATION FACILITIES. THEY WOULD REQUEST THAT PUBLIC
18 FACILITIES BE TREATED DIFFERENTLY THAN PRIVATE. WE DISAGREE.
19 WE THINK THEY SHOULD BOTH BE TREATED THE SAME. THESE ARE NOT
20 PROHIBITED IN THE CURRENT ORDINANCE BUT WOULD REQUIRE THE
21 APPROVAL OF A CONDITIONAL USE PERMIT, WHICH WE THINK IS AN
22 APPROPRIATE MECHANISM IN SUCH IMPORTANT PLACES AS OUR PARKS
23 AND RECREATION AREAS. THE LAST ITEM ON THEIR LIST IS THE
24 THREE-MONTH TIME LIMIT FOR TEMPORARY FACILITIES. THEY WOULD
25 WANT THE PROVISION TO BE ABLE TO BE EXTENDED. OUR CURRENT



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1 TEMPORARY USE PERMIT PROCEDURES DO ALLOW FOR AN EXTENSION.
2 THERE IS A PROCESS THAT COULD BE APPLIED FOR AND AN EXTENSION,
3 WHERE WARRANTED, COULD BE GRANTED. SO WE THINK THAT IS REALLY
4 NOT AN ISSUE SINCE THERE IS A PROVISION IN THE CODE RIGHT NOW
5 THAT DEALS WITH THAT.

6

7 **SUP. KNABE:** THANK YOU. MR. CHAIRMAN?

8

9 **SUP. YAROSLAVSKY, CHAIRMAN:** MR. KNABE?

10

11 **SUP. KNABE:** IT'S MY INTENT TO PUT A MOTION ON THE TABLE. I
12 DON'T KNOW WHETHER YOU WANT ME TO DO IT NOW, SO THOSE MEMBERS
13 OF THE PUBLIC...

14

15 **SUP. YAROSLAVSKY, CHAIRMAN:** I'M SORRY.

16

17 **SUP. KNABE:** I'M GOING TO PUT A MOTION ON THE TABLE SO THAT
18 MAYBE THE MEMBERS OF THE PUBLIC COULD COMMENT.

19

20 **SUP. YAROSLAVSKY, CHAIRMAN:** GO AHEAD.

21

22 **SUP. KNABE:** AND I'LL HAVE MY STAFF PASS IT OUT, AS WELL.
23 COUNTY COUNSEL HAS ADVISED US ON THE IMPACT OF THE RECENTLY
24 DECIDED FEDERAL NINTH CIRCUIT COURT OF APPEALS DECISION,
25 SPRINT VERSUS THE COUNTY OF SAN DIEGO, AND THE MORE RECENT



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1 PRELIMINARY INJUNCTION ISSUED BY THE FEDERAL DISTINCT COURT
2 AGAINST THE COUNTY OF LOS ANGELES IN THE LAWSUIT ENTITLED
3 NEXTG NETWORKS OF CALIFORNIA VERSUS THE COUNTY OF LOS ANGELES.
4 BASED ON THE ADVICE OF COUNTY COUNSEL, I BELIEVE THAT
5 REVISIONS TO THE PROPOSED ORDINANCE ARE NECESSARY TO MAINTAIN
6 CONSISTENCY WITH THE LEGAL PRINCIPLES ANNOUNCED BY THE COURTS
7 IN THOSE DECISIONS, PARTICULARLY REGARDING THE REGULATION OF
8 WIRELESS TELECOMMUNICATIONS FACILITIES IN PUBLIC RIGHTS OF
9 WAY. FURTHERMORE, BASED ON THE PUBLIC TESTIMONY THAT WE WILL
10 HEAR AND OTHER WRITTEN INFORMATION THAT WE RECEIVE AND CHANGES
11 SUGGESTED BY THE DEPARTMENT OF REGIONAL PLANNING, ADDITIONAL
12 REVISIONS TO THE PROPOSED ORDINANCES ARE ALSO APPROPRIATE. SO
13 I WOULD THEREFORE MOVE THAT THIS BOARD, ONE, CONSIDER THE
14 NEGATIVE DECLARATION, TOGETHER WITH ANY COMMENTS RECEIVED
15 DURING THE PUBLIC REVIEW PROCESS. FIND ON THE BASIS OF THE
16 ENTIRE RECORD BEFORE THE BOARD THAT THERE IS NO SUBSTANTIAL
17 EVIDENCE THAT THE PROJECT WILL HAVE A SIGNIFICANT EFFECT ON
18 THE ENVIRONMENT. FIND THAT THE NEGATIVE DEC REFLECTS THE
19 INDEPENDENT JUDGMENT AND ANALYSIS OF THIS BOARD AND ADOPT THE
20 NEGATIVE DECLARATION. TWO, TO APPROVE THE RECOMMENDATION OF
21 THE REGIONAL PLANNING COMMISSION AS REFLECTED IN THE PROPOSED
22 ORDINANCE, ALONG WITH THE ADDITIONAL CHANGES DESCRIBED BELOW,
23 WHICH WILL ESTABLISH NEW CASE PROCESSING PROCEDURES AND
24 CONDITIONS OF USE FOR TELECOMMUNICATIONS FACILITIES AND
25 DETERMINE THAT THESE PROPOSED AMENDMENTS ARE CONSISTENT WITH



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1 THE LOS ANGELES COUNTY GENERAL PLAN. THREE, INSTRUCT COUNTY
2 COUNSEL TO PREPARE AN ORDINANCE AMENDING TITLE 22 OF THE LOS
3 ANGELES COUNTY CODE AS RECOMMENDED BY THE COMMISSION AND
4 INCLUDE THE FOLLOWING CHANGES. ONE, ELIMINATE THE DEPARTMENT
5 OF REGIONAL PLANNING'S REVIEW OF WIRELESS FACILITIES WITHIN
6 PUBLIC RIGHTS OF WAY EXCEPT FOR CENTRAL CO-LOCATION
7 FACILITIES, WHICH WILL BE SUBJECT TO THE CENTRAL SITE PERMIT
8 PROCESS. TWO, REMOVE THE WORDING TO THE SATISFACTION OF THE
9 DIRECTOR HEARING OFFICER OR REGIONAL PLANNING COMMISSION FROM
10 THE PROPOSED ORDINANCE. THREE, ALLOW WIRELESS
11 TELECOMMUNICATIONS FACILITIES ON COUNTY-OWNED OR COUNTY-LEASED
12 PROPERTIES THAT CONTAIN COUNTY WIRELESS FACILITIES WITH THE
13 REQUIREMENT OF A SITE PLAN REVIEW BY THE DEPARTMENT OF
14 REGIONAL PLANNING AND THE APPROVAL OF THE REQUEST BY THE
15 INTERNAL SERVICES DEPARTMENT. FOUR, INSTRUCT COUNTY COUNSEL
16 AND IN CONSULTATION WITH THE DEPARTMENT OF PUBLIC WORKS TO
17 PREPARE AN ORDINANCE AMENDING TITLE 16 TO INCLUDE APPROPRIATE
18 DEVELOPMENT STANDARDS TO DISCUSS AESTHETIC ISSUES OF WIRELESS
19 FACILITIES WITHIN OUR PUBLIC RIGHTS OF WAY. AND, FIVE,
20 INSTRUCT COUNTY COUNSEL TO BRING BACK THE ORDINANCES AMENDING
21 TITLE 16 AND 22 OF THE COUNTY CODE IN SUCH A MANNER THAT BOTH
22 WILL BECOME EFFECTIVE SIMULTANEOUSLY.

23

24 **SUP. YAROSLAVSKY, CHAIRMAN:** ALL RIGHT. ANTONOVICH SECONDS.

25



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1 **SUP. ANTONOVICH:** YES.

2

3 **SUP. YAROSLAVSKY, CHAIRMAN:** MR. ANTONOVICH?

4

5 **SUP. ANTONOVICH:** LET ME JUST STATE THAT WE ALL KNOW THAT THESE
6 WIRELESS TELECOMMUNICATION FACILITIES ARE UNSIGHTLY AND AN
7 INTRUSION IN OUR RESIDENTIAL NEIGHBORHOODS. WE'VE HAD LETTERS,
8 PUBLIC HEARINGS ON THIS. THIS IS NOT A ENHANCEMENT TO AN AREA
9 AND IT'S NOT A ADDITION TO AN AREA THAT WOULD WARRANT THIS
10 BOARD FOR MAKING IT MORE DIFFICULT FOR A COMMUNITY TO PROTEST
11 SUCH AN INTRUSION IN OUR COMMUNITY. THE ELECTED TOWN COUNCILS
12 IN THE DISTRICT I REPRESENT HAVE OPPOSED WIRELESS FACILITIES,
13 ESPECIALLY THOSE NEAR CHURCHES, DAYCARE CENTERS AND OUR PARKS.
14 ON PRIVATE PROPERTY, THERE'S NO COMPELLING REASON TO SACRIFICE
15 PUBLIC REVIEW BY ELIMINATING THE EXISTING REQUIREMENT FOR A
16 C.U.P. AND, AGAIN, THE PUBLIC OUGHT TO HAVE THE RIGHT TO
17 PARTICIPATE IN THAT DECISION-MAKING PROCESS. THE COUNTY'S
18 ZONING ORDINANCE REQUIRES C.U.P. PERMITS FOR ALCOHOL SALES,
19 DENSITY BONUSES OR HILLSIDE GRADING WITH ADEQUATE PUBLIC
20 NOTICE AND REVIEW. A WIRELESS TELECOMMUNICATIONS FACILITY THAT
21 IS IN THE WRONG LOCATION OR POORLY DESIGNED CAN HAVE JUST AS
22 MANY IMPACTS AS OTHER USES THAT REQUIRE A C.U.P. RESIDENTS AND
23 BUSINESS OWNERS SHOULD NOT BE DEPRIVED OF THEIR DULY RIGHT TO
24 EXPRESS THEIR OPINION IN A PUBLIC HEARING FOR THESE
25 FACILITIES. WITHIN THE PUBLIC RIGHTS OF WAYS, OUR ATTORNEYS



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1 ARE RECOMMENDING THAT WE CHANGE OUR POLICY TO PREVENT
2 POTENTIAL LITIGATION. HOWEVER, THE COUNTY SHOULD PURSUE ALL
3 AVAILABLE APPEALS ON EXISTING CASES INVOLVING THOSE RIGHT OF
4 WAYS AND WE SHOULD AT LEAST WAIT UNTIL THE STATE SUPREME COURT
5 RULES ON PENDING LEGISLATION THAT IS CURRENTLY BEFORE THEM
6 BEFORE THE COUNTY CHANGES ITS POLICY. HAVING A DELAY UNTIL THE
7 SUPREME COURT RULES WOULD MAKE A BETTER POLICY FOR THIS COUNTY
8 THAN TO JUMP AHEAD OF THE COURT AND TAKE AWAY THE RIGHT OF THE
9 PUBLIC'S ABILITY TO HAVE FREEDOM OF SPEECH BEFORE THEIR OWN
10 ELECTED REPRESENTATIVES.

11

12 **SUP. YAROSLAVSKY, CHAIRMAN:** DO YOU WANT TO ADDRESS THAT ONE
13 POINT ABOUT THE ISSUE OF WHY ARE WE MOVING NOW WITH THE CASES
14 PENDING BEFORE THE SUPREME COURT, MR. WEISS?

15

16 **RICHARD WEISS:** YES, MR. CHAIRMAN. THERE IS A CASE THAT'S
17 PENDING BEFORE THE CALIFORNIA SUPREME COURT. THAT CASE IS
18 PRIMARILY LIMITED TO THE ISSUE AS TO WHETHER OR NOT, UNDER
19 CALIFORNIA LAW, CITIES AND COUNTIES RETAIN THE RIGHTS TO
20 CONDITION THESE FACILITIES BASED UPON AESTHETIC
21 CONSIDERATIONS. THE ORDINANCE THAT HAS BEEN PUT BEFORE YOU,
22 EVEN THE OPTION THAT WE PROVIDED INVOLVING AN ENCROACHMENT
23 PERMIT, STILL RETAINS AESTHETIC CONTROLS OVER THESE
24 FACILITIES. QUITE FRANKLY, A FEDERAL COURT HAS ALREADY SAID
25 THAT THE TIME, PLACE AND MANNER RIGHTS THAT WE HAVE TO



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1 REGULATE THESE FACILITIES DOES NOT INCLUDE AESTHETICS. WE ARE
2 HOPING THE SUPREME COURT, WHICH IS SUPPOSED TO BE THE ULTIMATE
3 INTERPRETER OF STATE LAW, WILL DISAGREE WITH THAT. AND THAT'S
4 WHY THE ORDINANCE CURRENTLY PROVIDES FOR THAT. BUT THAT CASE
5 DOES NOT ADDRESS THE LARGER ISSUE, WHICH, AS I INDICATED, HAS
6 BEEN REPEATED BY SEVERAL FEDERAL COURTS AT THIS POINT
7 BASICALLY SAYING THAT WE SIMPLY CANNOT GO ON WITH BUSINESS AS
8 USUAL WITH A LONG, DETAILED, DISCRETION-LADEN CONDITIONAL USE
9 PERMIT PROCESS FOR FACILITIES IN THE RIGHTS OF WAY.

10

11 **SUP. YAROSLAVSKY, CHAIRMAN:** IS THERE ANYBODY ELSE WHO WANTS TO
12 BE HEARD? I HAVE AN AMENDMENT TO MAKE BUT... ALL RIGHT. CELL
13 PHONES. [CELL PHONE RINGING AGAIN]

14

15 **SUP. YAROSLAVSKY, CHAIRMAN:** RICK, THERE WAS ANOTHER QUESTION,
16 I'LL REMEMBER IT, BUT LET ME INTRODUCE THIS AMENDMENT FOR THE
17 SAKE OF DISCUSSION AND HOPEFULLY APPROVAL. I WANT TO MAKE THIS
18 AS AN AMENDMENT TO SUPERVISOR KNABE'S MOTION. ONE, I MOVE THAT
19 THE BOARD OF SUPERVISORS, ONE, REQUIRE ALL PERTINENT EQUIPMENT
20 WITHIN PUBLIC ROAD RIGHTS OF WAYS THAT IS NOT POLE-MOUNTED TO
21 BE PLACED UNDERGROUND WHENEVER FEASIBLE. WHERE IT'S NOT
22 FEASIBLE, IN AREAS WITHIN NON-URBAN LAND USE CLASSIFICATIONS,
23 THIS EQUIPMENT SHALL BE FULLY SCREENED WITH LOCALLY EXISTING
24 NATURAL MATERIALS. TWO, REQUIRE THAT CELL PHONE TOWERS AND
25 PERTINENT FACILITIES NOT DISPLACE SPACE WITHIN THE PUBLIC ROAD



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1 RIGHT OF WAY THAT IS CURRENTLY USED FOR VEHICLE PARKING AND
2 ENSURE THAT THE PLACEMENT OF THESE FACILITIES WILL NOT
3 INTERFERE WITH THE PUBLIC'S UNFETTERED USE OF SIDEWALKS OR
4 TRAILS. AND, THREE, DIRECT THE COUNTY'S LEGISLATIVE ADVOCATES
5 IN SACRAMENTO AND WASHINGTON, D.C., TO SEEK OPPORTUNITIES TO
6 EXPAND THE COUNTY'S AUTHORITY TO REGULATE WIRELESS FACILITIES
7 AND OPPOSE ANY EFFORTS TO FURTHER LIMIT THE COUNTY'S EXISTING
8 DISCRETION.

9

10 **SUP. KNABE:** I'LL SECOND THAT.

11

12 **SUP. YAROSLAVSKY, CHAIRMAN:** I'D ALSO LIKE TO ASK, MR. KNABE,
13 IF YOU WOULD ACCEPT AS A FRIENDLY AMENDMENT ON ITEM NUMBER 4,
14 WHERE YOU HAVE THE DEPARTMENT OF PUBLIC WORKS TO PREPARE THE
15 ORDINANCE, THE COUNTY COUNSEL, IN CONSULTATION WITH THE PUBLIC
16 WORKS ADD THE C.E.O. ON THAT ONE, ON ITEM NUMBER 4.

17

18 **SUP. KNABE:** OKAY.

19

20 **SUP. YAROSLAVSKY, CHAIRMAN:** THE OTHER THING I WANTED TO ASK
21 WAS, IN THE STAFF REPORT, THERE WAS A REFERENCE TO THE ISSUE
22 OF HEIGHT LIMITS SHOULD BE CLARIFIED. AND MS. SIMMONS? WHAT
23 DOES THAT MEAN? CAN YOU CLARIFY IT FOR US?

24



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1 **KAREN SIMMONS:** IF WE LOOK AT THE DEFINITION AS IT'S CURRENTLY
2 WRITTEN IN THE DRAFT ORDINANCE OF BUILDING MOUNTED FACILITIES,
3 IT'S UNCLEAR WHETHER THEY'RE MEASURING FROM THE GROUND FOR A
4 STRUCTURE OR WHETHER YOU CAN PUT A STRUCTURE ON THE BUILDING.
5 IT WAS NOT OUR INTENT TO ALLOW STRUCTURES TO BE ON A SINGLE-
6 FAMILY RESIDENCE. SO WE JUST NEED TO CLARIFY THAT DEFINITION.

7

8 **SUP. YAROSLAVSKY, CHAIRMAN:** SO CLARIFY IT MEANS THAT IT WILL
9 NOT BE PERMITTED? YOU WILL NOT BE PERMITTED TO PUT AN ANTENNA
10 OR A DEVICE OR A TOWER ON TOP OF AN EXISTING BUILDING THAT
11 BUSTS A HEIGHT LIMIT?

12

13 **KAREN SIMMONS:** YOU WOULD BE PERMITTED TO PUT IT ACTUALLY ON
14 THE FIREPLACE OR ON THE EXISTING STRUCTURE, THE ANTENNA, IF IT
15 ARCHITECTURALLY BLENDS WITH THE BUILDING.

16

17 **SUP. YAROSLAVSKY, CHAIRMAN:** IF IT WHAT?

18

19 **KAREN SIMMONS:** ARCHITECTURALLY BLENDS WITH THE BUILDING. WE
20 WOULD NOT BE REGULATING THAT.

21

22 **SUP. YAROSLAVSKY, CHAIRMAN:** YOU MEAN ON THE SMOKE STACK? ON
23 THE CHIMNEY?

24

25 **KAREN SIMMONS:** YES.



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1

2 **SUP. YAROSLAVSKY, CHAIRMAN:** SO LET'S SAY YOU HAVE A CHIMNEY
3 THAT IS 20 FEET HIGH. YOU PUT THE TOWER ON TOP OF THE CHIMNEY?

4

5 **KAREN SIMMONS:** NO.

6

7 **SUP. YAROSLAVSKY, CHAIRMAN:** OR ADJACENT, FLUSH WITH THE
8 CHIMNEY?

9

10 **KAREN SIMMONS:** FLUSH WITH THE CHIMNEY.

11

12 **SUP. YAROSLAVSKY, CHAIRMAN:** DOES IT EXTEND BEYOND THE TOP OF
13 THE CHIMNEY?

14

15 **KAREN SIMMONS:** NO.

16

17 **SUP. YAROSLAVSKY, CHAIRMAN:** SO IS THAT WORDING ALREADY-- HAVE
18 YOU DRAFTED THE WORDING FOR THE ORDINANCE, THE CLARIFICATION
19 OF THE ORDINANCE?

20

21 **KAREN SIMMONS:** WE HAVE NOT. WE WILL DO THAT WORKING WITH
22 COUNTY COUNSEL WHEN THEY DO THE DRAFTING OF THE FINAL
23 ORDINANCE.

24



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1 **SUP. YAROSLAVSKY, CHAIRMAN:** OKAY. THAT'S ALL I HAVE. ANYBODY
2 ELSE? ALL RIGHT. ANY OBJECTION TO MY AMENDMENT? WITHOUT
3 OBJECTION, THE AMENDMENT IS NOW PART OF THE MAIN MOTION. OH,
4 WE DO HAVE PEOPLE WHO WANT TO TESTIFY. WELL, NOW AT LEAST YOU
5 KNOW YOU GOT THE AMENDMENT IN THE MAIN MOTION. SCOTT
6 LONGHURST. MINDY HEARTSTEIN. ROBERT JYSTAD. GOT TO WORK ON
7 YOUR PENMANSHIP, ROBERT. COULD HAVE BEEN A PHARMACIST. OR
8 LESLIE DAIGLE. I THINK WE HAVE ROOM FOR EVERYBODY. MR.
9 LONGHURST, YOU'LL BE FIRST.

10

11 **SCOTT LONGHURST:** GOOD AFTERNOON, CHAIRMAN YAROSLAVSKY, MEMBERS
12 OF THE BOARD. THANK YOU VERY MUCH FOR TAKING THE TIME TO
13 LISTEN TO OUR COMMENTS THIS AFTERNOON. I WANTED TO JUST BEGIN
14 BY THANKING ALL OF YOU FOR BREATHING LIFE BACK INTO THIS
15 PROPOSED ORDINANCE AFTER SEVERAL YEARS OF BEING IN A HIATUS,
16 IF YOU WILL. I ALSO WANTED TO TAKE THE OPPORTUNITY TO THANK A
17 COUPLE OF THE STAFF MEMBERS, IN PARTICULAR ONE, MS. ELAINE
18 LEMKE FROM THE COUNTY COUNSEL'S OFFICE, AS WELL AS MS. KAREN
19 SIMMONS AND, PRIOR TO HER, MR. LEONARD ERLANGER OF THE
20 DEPARTMENT OF REGIONAL PLANNING. THEY WERE VERY GRACIOUS AND
21 WILLING TO WORK WITH THE INDUSTRY REPRESENTATIVES AND WE FEEL
22 THAT THE RESULT OF THAT EFFORT IS BEFORE YOU TODAY. SECONDLY,
23 WE ARE UNITED, I THINK YOU COULD SAY, THE WIRELESS INDUSTRY AS
24 A WHOLE IN OUR SUPPORT OF THIS ORDINANCE. WE FEEL THAT IT IS
25 GOING TO PROVIDE AND FURTHER PROVIDE QUALITY WIRELESS SERVICES



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1 TO YOUR CONSTITUENTS AND OUR CUSTOMERS IN LOS ANGELES COUNTY
2 WHILE AT THE SAME TIME SAVING THE COUNTY TIME AND MONEY BY
3 STREAMLINING THE PLANNING AND APPROVAL PROCESS FOR THESE TYPES
4 OF FACILITIES. I WAS GOING TO ASK FOR YOUR INDULGENCE ON A
5 COUPLE ISSUES THIS MORNING OR I SHOULD SAY THIS AFTERNOON;
6 HOWEVER, THOSE HAVE BEEN ADDRESSED, NAMELY-- PARDON ME--
7 NAMELY THE I.S.D. ISSUE, EXCUSE ME. WE HAVE MET WITH I.S.D.,
8 AS HAS STAFF, AND WE HAVE WORKED OUT THEIR ISSUES IN REGARDS
9 TO PLACING THESE FACILITIES ON COUNTY-OWNED OR LEASED
10 PROPERTIES AND WE SUPPORT THE MOTION AND THE PROPOSAL BY STAFF
11 TO ALLOW US TO NEGOTIATE WITH THEM. LASTLY, WE WOULD LIKE TO
12 ASK THAT YOU GRANT THE DECISION MAKERS, BE IT THE REGIONAL
13 PLANNING COMMISSION OR THE DIRECTOR, SOME DISCRETION IN
14 ALLOWING AN ADDITIONAL 10 TO 15 FEET ON EITHER EXISTING
15 WIRELESS TELECOMMUNICATIONS POLES OR ON LEGAL NONCONFORMING
16 BUILDINGS, ROOFTOPS, SO THAT WE COULD PLACE OUR FACILITIES
17 THERE RATHER THAN HAVING TO BUILD NEW STRUCTURES. IN
18 PARTICULAR, CO-LOCATING ON EXISTING POLES SO WE WOULD NOT HAVE
19 TO BUILD A NEW VERTICAL ELEMENT IN THE COMMUNITY OR TO
20 UTILIZING A LEGAL, NONCONFORMING BUILDING THAT MAY BE ABOVE
21 THE HEIGHT LIMIT TO PLACE THE ANTENNAS ON THE ROOF OF THAT
22 STRUCTURE. AND, WITH THAT, I'D LIKE TO...

23



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1 **SUP. YAROSLAVSKY, CHAIRMAN:** I THOUGHT WE JUST ADDRESSED THAT
2 ISSUE. YOU DON'T AGREE WITH THE WAY THEY'RE PROPOSING TO
3 ADDRESS THAT HEIGHT ISSUE?

4

5 **SCOTT LONGHURST:** I DO, CHAIRMAN YAROSLAVSKY. I JUST WANTED TO
6 CLARIFY THAT WE WERE ALSO ASKING IN A SITUATION WHERE THE
7 EXISTING FACILITY MAY BE BUILT TO OR ABOVE THE UNDERLYING ZONE
8 HEIGHT LIMIT THAT THERE IS SOME DISCRETION GRANTED TO THE
9 DECISION-MAKER TO ALLOW US TO UP AN ADDITIONAL, SAY, 10 TO 15
10 FEET TO PLACE...

11

12 **SUP. YAROSLAVSKY, CHAIRMAN:** I DON'T UNDERSTAND. LIKE, GIVE ME
13 AN EXAMPLE.

14

15 **SCOTT LONGHURST:** WELL, THERE ARE CERTAIN INSTANCES WHERE THERE
16 MAY BE A BUILDING, FOR INSTANCE, THAT IS 80 FEET TALL. IT'S IN
17 THE 75-FOOT HEIGHT LIMIT. WE WOULD LIKE THE ABILITY TO MOUNT
18 THE ANTENNAS ON THE ROOF OF THAT BUILDING AND THEY MAY EXTEND
19 UP AN ADDITIONAL 10 FEET.

20

21 **SUP. YAROSLAVSKY, CHAIRMAN:** SO IT WOULD BE 90 FEET HIGH?

22

23 **SCOTT LONGHURST:** CORRECT.

24



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The Los Angeles County Board of Supervisors

1 **SUP. YAROSLAVSKY, CHAIRMAN:** THAT'S IN DIRECT CONTRAVENTION TO
2 WHAT HE WAS TALKING ABOUT, EVEN THE SPIRIT OF WHAT THEY WERE
3 TALKING ABOUT. THEY'RE SAYING THAT YOU WOULD USE THE EXISTING
4 STRUCTURE, WHATEVER IS THERE, AND NOT GO ABOVE THE RIM OF THAT
5 STRUCTURE. THEY USED THE CHIMNEY AS AN EXAMPLE, THAT YOU
6 WOULDN'T GO ABOVE THE CHIMNEY. YOU WOULD PUT THE ANTENNA OR
7 WHATEVER IT IS FLUSH WITH THE CHIMNEY. IF THE CHIMNEY IS 20
8 FEET HIGH ABOVE THE-- OR 10 FEET ABOVE THE ROOFLINE, YOU WOULD
9 PUT THE ANTENNA NO MORE THAN 10 FEET ABOVE THE ROOFLINE, FLUSH
10 WITH THE CHIMNEY AND IT WOULD BE CAMOUFLAGED WITH THE BRICK OR
11 WHATEVER THE NORMAL NATURAL MATERIAL IS. NOW YOU'RE SAYING YOU
12 WANT TO BE ABLE TO GO ON TOP OF THAT, YOU WANT TO GO 10 OR 20
13 FEET ABOVE THE RIM OF THE CHIMNEY OR PUT AN ANTENNA ON TOP OF
14 THE ROOF AND GO-- ON TOP OF THE, ON TOP OF THE ROOF ON A
15 BUILDING THAT'S ALREADY BUSTED A HEIGHT LIMIT, THAT'S ALREADY
16 NOT IN CONFORMANCE WITH THE HEIGHT LIMIT, NOW YOU WANT TO GO
17 AND ADD INSULT TO INJURY. THAT'S EXACTLY THE OPPOSITE OF WHAT
18 THEY'RE RECOMMENDING.

19

20 **SCOTT LONGHURST:** WELL, I THINK, IN THE CASE THAT I'M SPEAKING
21 OF, IT WOULD BE PRIMARILY IN THE COMMERCIAL AND INDUSTRIAL
22 ZONES. AND WHAT WE'RE ASKING IS THAT CERTAIN BUILDINGS ARE
23 BUILT TO A HEIGHT LIMIT, AS YOU INDICATED. HOWEVER, THERE ARE
24 USUALLY ALLOWANCES MADE FOR PERTINENT STRUCTURES TO THOSE
25 ROOFTOPS, BE IT AN ELEVATOR PENTHOUSE, A STAIRWELL PENTHOUSE



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1 AND WE WOULD JUST BE ASKING FOR A SIMILAR CONSIDERATION TO BE
2 GIVEN AN OPPORTUNITY TO PUT OUR FACILITY ON THE ROOF, ENCLOSE
3 IT IN A SCREENING MATERIAL SO IT WOULD LOOK LIKE A PENTHOUSE,
4 FOR INSTANCE, AND BE ALLOWED THAT ADDITIONAL HEIGHT WITH THEIR
5 DISCRETION.

6

7 **SUP. KNABE:** HE WAS SORT OF INDICATED IN ONE OF YOUR-- I THINK
8 IT WAS YOUR LETTER THAT THERE WAS SOME NEGOTIATION POSSIBLE AS
9 RELATED TO THAT, IS THAT CORRECT? NO?

10

11 **KAREN SIMMONS:** KAREN SIMMONS WITH ORDINANCE STUDIES. AS SCOTT
12 INDICATED, HE IS SPEAKING PRIMARILY ABOUT COMMERCIAL. I WAS
13 PREVIOUSLY SPEAKING PRIMARILY ABOUT RESIDENTIAL; HOWEVER, IT'S
14 TRUE IN BOTH CASES. IF HE HAS A BUILDING THAT'S 30 FEET HIGH
15 AND THE HEIGHT LIMIT IN THAT ZONE IS 35 FEET, HE WANTS TO GO
16 10 TO 15 FEET OVER THE EXISTING. SO, YES, IT WOULD BE OVER THE
17 EXISTING HEIGHT LIMIT OF THAT ZONE. THAT WOULD NOT BE ABLE TO
18 BE DONE UNDER OUR ORDINANCE. THEY CAN MAKE THE REQUEST UNDER
19 CONDITIONAL USE PERMIT, FOR THAT ADDITIONAL ALLOWANCE.

20

21 **SUP. YAROSLAVSKY, CHAIRMAN:** AND THAT WOULD BE A DISCRETIONARY
22 ACTION ON OUR PART?

23

24 **KAREN SIMMONS:** THAT'S CORRECT.

25



**The Meeting Transcript of
The Los Angeles County Board of Supervisors**

1 **SUP. YAROSLAVSKY, CHAIRMAN:** AND THE COURT CASES DO NOT
2 PRECLUDE US FROM HAVING THAT DISCRETION?

3

4 **KAREN SIMMONS:** I DON'T BELIEVE SO.

5

6 **SUP. YAROSLAVSKY, CHAIRMAN:** EXERCISING THAT DISCRETION. WELL,
7 THAT'S A DIFFERENT STORY. ?I MEAN, THAT'S FINE AS LONG AS THE
8 DISCRETIONARY PROCESS-- YOU KNOW, COMMERCIAL PROPERTIES ARE
9 JUST AS SENSITIVE TO SOME OF-- I DON'T REPRESENT A LOT OF
10 URBAN UNINCORPORATED COUNTY AREA BUT ALL MY COLLEAGUES DO AND
11 A LOT OF COMMERCIAL PROPERTIES ABUT RESIDENTIAL ZONES, AND
12 SOMETIMES SINGLE-FAMILY ZONES, OFTENTIMES SINGLE-FAMILY ZONES.
13 SO I DON'T SEE THE DISTINCTION, FRANKLY, BETWEEN THE TWO. THE
14 ISSUE IS WHAT'S THE HEIGHT LIMIT? IF THERE'S A CONDITIONAL USE
15 OR A DISCRETIONARY PERMIT PROCESS, WELL, THEN, YOU CAN LOOK AT
16 THE CIRCUMSTANCES SURROUNDING THAT PARTICULAR SITUATION AND IF
17 IT DOESN'T AFFECT ANYBODY ADVERSELY, THEN, FINE.

18

19 **SUP. KNABE:** I THINK WE SHOULD JUST LEAVE IT LIKE THAT.

20

21 **SUP. YAROSLAVSKY, CHAIRMAN:** I AGREE.

22

23 **SUP. KNABE:** AS LONG AS THERE'S A PROCESS FOR THEM TO REQUEST
24 IT.

25



The Meeting Transcript of
The Los Angeles County Board of Supervisors

1 **SUP. YAROSLAVSKY, CHAIRMAN:** MS. HEARTSTEIN? MINDY, I'M SORRY.

2

3 **MINDY HEARTSTEIN:** MR. CHAIRMAN, SUPERVISORS, I, TOO, WOULD

4 LIKE TO THANK COUNTY COUNSEL AND REGIONAL PLANNING STAFF FOR

5 THEIR DILIGENT EFFORTS IN BRINGING THIS FORWARD AND THIS IS

6 SOMEWHAT OF A COMPROMISE ORDINANCE. I FULLY SUPPORT THE

7 ORDINANCE AND THE EFFORTS THAT HAVE BEEN MADE AND I'M HERE

8 REPRESENTING METRO P.C.S. AND ROYAL STREET COMMUNICATIONS.

9 UNLIKE THE OTHER PROVIDERS SITTING HERE, WE ARE FIRST

10 LAUNCHING OUR NETWORK AND SO THE ONLY POINT THAT I WISH TO

11 RAISE IN ADDITION TO SUPPORTING THE ORDINANCE WAS ALSO TO

12 FACTOR IN A RECOMMENDATION BY YOU OF WHAT YOU CONSIDER TO BE

13 AN APPROPRIATE TIMEFRAME FOR REVIEW OF APPLICATIONS. CURRENTLY

14 IN THE COUNTY, THE REVIEW PERIOD IS 12 TO 15 MONTHS FOR A

15 C.U.P. APPLICATION. REVISED EXHIBIT A, WHICH ARE A CO-LOCATION

16 PROCESS, ABOUT THREE MONTHS. AND SO HOPEFULLY WHAT WE ARE

17 HOPEFUL IS THAT, WITH A DIRECTOR'S REVIEW AND FOLLOWING

18 THROUGH WITH THE ORDINANCE, THAT HOPEFULLY WITHIN A SHORTER

19 TIME FRAME THAN A 12 TO 15-MONTH PERIOD, WE CAN MOVE FORWARD

20 WITH FACILITIES AND BE ABLE TO PROVIDE SERVICE TO YOUR

21 COMMUNITY AND YOUR RESIDENTS. THANK YOU.

22

23 **SUP. YAROSLAVSKY, CHAIRMAN:** THANK YOU. ROBERT JYSTAD?

24



**The Meeting Transcript of
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1 **ROBERT JYSTAD:** MR. CHAIR, SUPERVISORS. MY NAME IS ROBERT
2 JYSTAD. I'M HERE ACTUALLY WEARING TWO HATS. I REPRESENT THE
3 NEW AT&T AS OUTSIDE COUNSEL AND I'M ALSO VICE PRESIDENT OF THE
4 CALIFORNIA WIRELESS ASSOCIATION, WHICH HAS A LETTER TO
5 DISTRIBUTE TO THE BOARD THAT IS IN SUPPORT OF THE PROPOSED
6 ORDINANCE WITH STAFF'S RECOMMENDED CHANGES. I HAVE EIGHT
7 COPIES OF THE LETTER FOR EACH OF THE BOARD MEMBERS, THE
8 C.E.O., COUNTY CLERK AND COUNTY COUNSEL. IF I COULD READ A BIT
9 OF THE LETTER INTO THE RECORD. IT'S FROM JOHN DOME, WHO IS THE
10 PRESIDENT OF THE ORGANIZATION AND HE'S WITH CROWN CASTLE. I
11 WANT TO TAKE THIS OPPORTUNITY TO INTRODUCE MYSELF AND THE
12 ORGANIZATION THAT I REPRESENT, THE CALIFORNIA WIRELESS
13 ASSOCIATION. I'D LIKE TO EXPRESS OUR THANKS TO EACH OF YOU AND
14 THE STAFF OF THE REGIONAL PLANNING DEPARTMENT AND COUNTY
15 COUNSEL'S OFFICE FOR YOUR WORK ON THE PROPOSED ORDINANCE, ONE
16 THAT WE BELIEVE WILL ASSIST THE WIRELESS INDUSTRY IN ITS
17 EFFORTS TO PROVIDE THE CITIZENS OF LOS ANGELES COUNTY WITH THE
18 MOST ROBUST AND TECHNOLOGICALLY ADVANCED WIRELESS NETWORKS IN
19 THE COUNTRY. ON BEHALF OF THE NEW AT&T, I'D ALSO LIKE TO
20 INDICATE OUR THANKS TO THIS PROJECT, WHICH WE KNOW HAS
21 REQUIRED AN EXTENSIVE AMOUNT OF EFFORT AND NEGOTIATION WITH
22 THE INDUSTRY AND ALL INTERESTED STAKEHOLDERS. WE DO BELIEVE
23 THAT THE PROPOSED ORDINANCE, WITH THE CHANGES, IS A VERY GOOD
24 STEP IN THE DIRECTION OF BALANCING LOCAL CONCERNS ABOUT OUR
25 FACILITIES AND STATE AND FEDERAL OBJECTIVES FOR PROMOTING THE



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1 RAPID DEPLOYMENT OF ADVANCED TELECOMMUNICATION FACILITIES. IN
2 ADDITION NOW HAVING SEEN THE MOTION AND THE AMENDMENTS TO THE
3 MOTION, I CAN SAY THAT THE NEW AT&T AND THE WIRELESS
4 ASSOCIATION BOTH SUPPORT THE MOTION AND HAVE NO DIFFICULTIES
5 WITH THE AMENDMENTS, OTHER THAN PERHAPS THE D.C. ADVOCACY
6 PIECE. BUT, OTHERWISE, WE ARE IN FULL SUPPORT OF WHAT HAS BEEN
7 PROPOSED. THANK YOU.

8

9 **SUP. YAROSLAVSKY, CHAIRMAN:** THANK YOU. IS MS. DAIGLE HERE?

10

11 **LESLIE DAIGLE:** YES. GOOD MORNING, MR. CHAIR, MEMBERS OF THE
12 BOARD. MY NAME IS LESLIE DAIGLE, REPRESENTING VERIZON
13 WIRELESS. REAL BRIEFLY, I'D FIRST LIKE TO THANK YOUR STAFF FOR
14 WORKING WITH US SO COOPERATIVELY, BOTH THE COUNTY DEPARTMENTS
15 AS WELL AS THE STAFFS OF YOUR OFFICES AND WE SHARE THE
16 POSITIONS TAKEN BY MY COLLEAGUES IN INDUSTRY 1AND ALSO BELIEVE
17 THAT WITH ALL PROGRESSIVE JURISDICTIONS, THIS IS A GREAT STEP
18 FORWARD IN TERMS OF SIMPLE, STRAIGHTFORWARD PROCESS. CERTAINLY
19 ADMINISTERING PROJECTS IN THE RIGHT OF WAY IS SOMETHING THAT
20 PUBLIC WORKS HAS BEEN DOING FOR A VERY LONG TIME. AND SO WE
21 LOOK FORWARD TO CONTINUING TO WORK WITH THE COUNTY TO PROVIDE
22 THIS INFRASTRUCTURE FOR ALL RESIDENTS AND BUSINESSES TO BE
23 ABLE TO COMMUNICATE. THANK YOU.

24

25 **SUP. YAROSLAVSKY, CHAIRMAN:** THANK YOU. NICOLE MASON?



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The Los Angeles County Board of Supervisors

1

2 **NICOLE MASON:** GOOD AFTERNOON, CHAIRMAN AND MEMBERS OF THE
3 BOARD. MY NAME IS NICOLE MASON AND I'M WITH NEXTG NETWORKS.
4 AND I'D JUST LIKE TO THANK THE BOARD AND THE STAFF FOR THE
5 CONTINUED CONSIDERATION OF THIS ISSUE AND FOR ALL OF THE HARD
6 WORK THAT STAFF HAS DONE AS THINGS HAVE EVOLVED. I WANT TO
7 EXPRESS MY SUPPORT, NEXTG'S SUPPORT FOR THE MOTION THAT WAS
8 MADE BY CHAIRMAN YAROSLAVSKY AS WELL AS THE WORK THAT THE
9 STAFF WILL DO TO FINALIZE THE AMENDMENTS TO THE ORDINANCE. I
10 JUST WANT TO REQUEST A CLARIFICATION TO THE MOTION AND TO MAKE
11 IT COMPLETELY CONSISTENT WITH LAW. RIGHT NOW, THE MOTION
12 SPECIFIES THE EXCEPTION FOR FACILITIES IN THE PUBLIC RIGHT OF
13 WAY AND I WOULD JUST SUGGEST THAT PUBLIC UTILITY EASEMENTS BE
14 ADDED TO THAT LANGUAGE SO IT WOULD READ PUBLIC RIGHT OF WAY
15 AND PUBLIC UTILITY EASEMENTS.

16

17 **SUP. YAROSLAVSKY, CHAIRMAN:** MR. WEISS, DO YOU HAVE ANY COMMENT
18 ON THAT?

19

20 **RICHARD WEISS:** THE LAW IS CLEAR WITH RESPECT TO RIGHT OF WAYS
21 USED FOR TRANSPORTATION, WATERWAYS AND HIGHWAYS. I'M NOT
22 FAMILIAR WITH THE SPECIFIC PROVISION THAT CREATES THE SAME
23 ENTITLEMENT, SO TO SPEAK, TO USE OF RIGHT OF WAYS WITH RESPECT
24 TO PUBLIC UTILITY EASEMENTS AS IT DOES FOR RIGHTS OF WAY THAT
25 ARE USED...



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1

2 **SUP. YAROSLAVSKY, CHAIRMAN:** UNDER THE ORDINANCE AS DRAFTED,
3 WHAT WOULD BE THEIR RIGHT IN A PUBLIC UTILITY EASEMENT? NONE?

4

5 **RICHARD WEISS:** NO, THEIR RIGHTS, UNDER THE ORDINANCE AS IT'S
6 CURRENTLY DRAFTED, I DON'T BELIEVE PUBLIC UTILITY EASEMENTS,
7 OUTSIDE OF THE RIGHT OF WAYS, ARE TREATED ANY DIFFERENTLY THAN
8 PRIVATE PROPERTY AND THEREFORE THEIR APPLICATIONS WOULD BE
9 SUBJECT TO EITHER A SITE PLAN, A DIRECTOR'S REVIEW OR A
10 CONDITIONAL USE PERMIT, DEPENDING ON THE SIZE OF THE FACILITY.

11

12 **SUP. YAROSLAVSKY, CHAIRMAN:** SO IF WE WERE TO INCLUDE PUBLIC
13 UTILITY EASEMENTS AS SHE SUGGESTS, IT WOULD ACTUALLY BE
14 LIBERALIZING RATHER THAN CONSTRICTING?

15

16 **RICHARD WEISS:** IT WOULD BE THEN INDICATING THAT ONLY AN
17 ENCROACHMENT PERMIT WERE REQUIRED FOR A FACILITY.

18

19 **SUP. YAROSLAVSKY, CHAIRMAN:** SO THE ANSWER TO MY QUESTION IS
20 YES?

21

22 **RICHARD WEISS:** YES. DEPENDING UPON HOW YOU USE LIBERALIZE.

23

24 **SUP. YAROSLAVSKY, CHAIRMAN:** I APPRECIATE THE SUGGESTION BUT
25 I'M NOT GOING THERE. BUT THANK YOU.



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1

2 **NICOLE MASON:** THE OTHER THING THAT I WILL ADD IS, IF I MAY
3 SUGGEST THAT COUNTY COUNSEL PERHAPS LOOK FURTHER INTO THE
4 ISSUE OF PUBLIC UTILITY EASEMENTS AND THE LAW APPLYING TO
5 THOSE TO ENSURE AGAIN THAT ALL OF THIS HARD WORK DOES NOT GO
6 TO WASTE SO THAT WE DO HAVE A NEW ORDINANCE THAT FULLY
7 COMPLIES WITH THE LAW. THE OTHER POINT THAT I WANTED TO MAKE
8 WAS TO SIMPLY REQUEST THAT THE INDUSTRY BE INVITED TO
9 PARTICIPATE IN THE DEVELOPMENT OF THE STANDARDS THAT IT SOUNDS
10 LIKE WILL BE DEVELOPED IN ACCORDANCE WITH THIS MOTION SO THAT
11 THERE WILL BE CLEAR OBJECTIVE STANDARDS CONSISTENTLY APPLIED
12 TO ALL FACILITIES IN THE RIGHT OF WAY. THANK YOU.

13

14 **SUP. YAROSLAVSKY, CHAIRMAN:** I THANK YOU FOR YOUR TESTIMONY.
15 ALL RIGHT. THE PUBLIC HEARING IS CLOSED. IS THERE ANY OTHER
16 DISCUSSION?

17

18 **SUP. KNABE:** I WOULD MOVE IT AS AMENDED WITH THE TWO
19 AMENDMENTS, I MEAN, MY MOTION, AS WELL AS YOUR AMENDMENT.

20

21 **SUP. YAROSLAVSKY, CHAIRMAN:** ALL RIGHT. THE AMENDMENT...

22

23 **SUP. ANTONOVICH:** I WOULD JUST SAY IT'S PREMATURE. WE SHOULD
24 WAIT. AND WHEN WE'RE DENYING THE OPPORTUNITY OF CITIZENS TO



**The Meeting Transcript of
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1 MAKE A COMPLAINT TO THE C.U.P. PROCESS, THAT IS THEIR RIGHT. I
2 THINK THIS IS A STEP BACKWARDS FROM OPEN GOVERNMENT.

3

4 **SUP. YAROSLAVSKY, CHAIRMAN:** OKAY. I THINK THAT WAS CLARIFIED
5 BY THE COUNTY COUNSELOR EARLIER IS THAT THERE'S ONE CASE AT
6 THE SUPREME COURT THAT IT DOES NOT ONE WAY OR ANOTHER
7 AFFECT...

8

9 **SUP. ANTONOVICH:** IT ONLY TAKES ONE CASE.

10

11 **SUP. YAROSLAVSKY, CHAIRMAN:** ...AFFECT-- IT DOESN'T-- WHY DON'T
12 YOU JUST REPEAT IT SO THAT WE GET THIS CLEAR.

13

14 **RICHARD WEISS:** WITH RESPECT TO THAT CASE, THE BEST CASE
15 SCENARIO IS THAT YOU WOULD RETAIN THE AESTHETIC CONTROL THAT
16 IS CONTAINED IN THE PROPOSED ORDINANCE, NOT TAKE IT AWAY. AND,
17 AGAIN, THE ENCROACHMENT PERMIT LEVEL OF REVIEW AGAIN IS ONLY
18 BEING RECOMMENDED WITH RESPECT TO FACILITIES PROPOSED IN THE
19 RIGHTS OF WAY. THE DISCRETIONARY LAND USE ENTITLEMENT PROCESS,
20 BE IT SITE PLAN, DIRECTOR'S REVIEW OR C.U.P. WOULD CONTINUE TO
21 BE IN EFFECT FOR ALL FACILITIES THAT ARE PROPOSED ON PRIVATE
22 PROPERTY OR NON-RIGHT OF WAY.

23



**The Meeting Transcript of
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1 **SUP. YAROSLAVSKY, CHAIRMAN:** AND IF THE SUPREME COURT REVERSES
2 THE LOWER COURT'S DECISION, WHAT WILL BE THE PRACTICAL IMPACT
3 OF THAT?

4

5 **RICHARD WEISS:** WELL, WE'LL BE COMING BACK TO YOU TO DETERMINE
6 WHETHER OR NOT WE NEED TO FURTHER REMOVE ANY ADDED PROVISIONS
7 RELATING TO AESTHETIC CONTROL.

8

9 **SUP. YAROSLAVSKY, CHAIRMAN:** AND IF IT SUSTAINS THE LOWER
10 COURT?

11

12 **RICHARD WEISS:** IF IT SUSTAINS THE APPELLATE COURT, THEN WE
13 WOULD BELIEVE THAT WHAT WE ARE GOING TO PUT IN FRONT OF YOU
14 REMAINS LEGALLY FEASIBLE AND TENABLE. SO THAT WE WOULD RETAIN
15 WHATEVER AESTHETIC CONTROLS WE'RE GOING TO KEEP OR PLACE IN
16 THE ORDINANCE WITH RESPECT TO ENCROACHMENT PERMITS AND KEEPING
17 THE ORDINANCE WITH RESPECT TO DEVELOPMENT STANDARDS FOR
18 PRIVATE PROPERTY, WE BELIEVE THAT YOU WOULD BE ABLE TO RETAIN
19 THAT AUTHORITY.

20

21 **SUP. YAROSLAVSKY, CHAIRMAN:** SO IF YOU BELIEVE IN AESTHETIC
22 CONTROLS AND MORE CONTROLS RATHER THAN LESS CONTROLS, AS MR.
23 ANTONOVICH DOES, YOU'RE ROOTING FOR THE COURT TO AFFIRM OR
24 REVERSE THE LOWER COURT?

25



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1 **RICHARD WEISS:** TO AFFIRM.

2

3 **SUP. YAROSLAVSKY, CHAIRMAN:** SO WAITING FOR THE COURT TO ACT
4 WOULD SERVE NO PURPOSE IN TERMS OF THE CONTEXT OF THIS
5 DISCUSSION, WOULD IT? IT WOULD ONLY REGRESS, NOT PROGRESS IN
6 TERMS OF...

7

8 **RICHARD WEISS:** YEAH, I DON'T THINK THAT DECISION, EVEN IF IT'S
9 POSITIVE, WOULD CHANGE THE NOW MOUNTING LAW THAT HAS TOLD US
10 OR SUGGESTED TO US, RESULTING IN OUR RECOMMENDATION, THAT A
11 LENGTHY C.U.P. PROCESS FOR FACILITIES IN THE RIGHT OF WAY IS
12 JUST NOT GOING TO FLY.

13

14 **SUP. YAROSLAVSKY, CHAIRMAN:** I AGREE WITH MR. ANTONOVICH, WITH
15 THE SENTIMENT. I THINK MOST IF NOT ALL OF US DO BUT I THINK
16 OUR HANDS HAVE BEEN TIED BY FEDERAL LEGISLATION AND FEDERAL
17 COURT CASES AND IT'S UNFORTUNATE. ALL RIGHT. CALL THE ROLL.

18

19 **CLERK SACHI HAMAI:** SUPERVISOR MOLINA?

20

21 **SUP. MOLINA:** AYE.

22

23 **CLERK SACHI HAMAI:** SUPERVISOR BURKE?

24

25 **SUP. BURKE:** AYE.



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1

2 **CLERK SACHI HAMAI:** SUPERVISOR KNABE?

3

4 **SUP. KNABE:** AYE.

5

6 **CLERK SACHI HAMAI:** SUPERVISOR ANTONOVICH?

7

8 **SUP. ANTONOVICH:** NO.

9

10 **CLERK SACHI HAMAI:** SUPERVISOR YAROSLAVSKY?

11

12 **SUP. YAROSLAVSKY, CHAIRMAN:** AYE. SO IT'S APPROVED AS AMENDED.

13 ALL RIGHT. I THINK YOU'RE STILL UP.

14

15 **SUP. ANTONOVICH:** MR. CHAIRMAN, LET ME JUST MOVE THAT WE
16 ADJOURN IN MEMORY OF ELLA TONKEY, WHO IS THE MOTHER OF THE
17 MAYOR OF WEST COVINA, MICHAEL TONKEY, WHO CAME HERE-- SHE WAS
18 BORN IN PANAMA AND THEN CAME TO LOS ANGELES COUNTY MANY YEARS
19 AGO. SHE PASSED AWAY AT THE AGE OF 82. SHE AND HER SONS
20 OPERATED THE ROCKVIEW DAIRY IN WEST COVINA FOR MANY YEARS SO
21 THAT'S MY FINAL...

22

23 **SUP. KNABE:** I'D LIKE TO JOIN IN THAT AS WELL, MIKE.

24



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1 **SUP. YAROSLAVSKY, CHAIRMAN:** I'LL JOIN. ALL MEMBERS. UNANIMOUS
2 VOTE. ALL RIGHT. SUPERVISOR MOLINA?

3

4 **SUP. MOLINA:** I HAVE ONE ADJOURNING MOTION. I'D LIKE TO ASK
5 TODAY THAT WE ADJOURN IN THE MEMORY OF ARMY SPECIALIST MARISOL
6 HEREDIA OF EL MONTE, WHO PASSED AWAY IN IRAQ FROM A NON-
7 COMBAT-RELATED INJURY. MARISOL SERVED IN THE 15TH BRIGADE,
8 SUPPORT BATTALION, SECOND BRIGADE COMBAT TEAM OF THE FIRST
9 CALVARY DIVISION BASED IN FORT HOOD IN TEXAS. WE ACKNOWLEDGE
10 HER PROFOUND SERVICE TO OUR NATION AND WE EXTEND OUR DEEPEST
11 CONDOLENCES TO HER AND HER FAMILY.

12

13 **SUP. YAROSLAVSKY, CHAIRMAN:** UNANIMOUS VOTE.

14

15 **CLERK SACHI HAMAI:** ON ITEM 17 AND 34, I BELIEVE SUPERVISOR
16 MOLINA IS RELEASING HER HOLDS ON THOSE.

17

18 **SUP. MOLINA:** RIGHT.

19

20 **SUP. YAROSLAVSKY, CHAIRMAN:** WE DID 34, I THINK, DIDN'T WE?

21

22 **CLERK SACHI HAMAI:** PREVIOUSLY YOU HAD 35. BUT IT'S ITEM 17 AND
23 34.

24



**The Meeting Transcript of
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1 **SUP. YAROSLAVSKY, CHAIRMAN:** ALL RIGHT. MS. MOLINA IS RELEASING
2 HER HOLDS. MOLINA MOVES ON 17 AND 34. MOLINA MOVES, KNABE
3 SECONDS. WITHOUT OBJECTION, UNANIMOUS VOTE. SUPERVISOR BURKE?

4

5 **SUP. BURKE:** I MOVE THAT WHEN WE ADJOURN TODAY, WE ADJOURN IN
6 MEMORY OF ZEN PRICE, JR., A LONG-TIME SECOND DISTRICT RESIDENT
7 AND OUTSTANDING MEMBER OF THE COMMUNITY. HE WAS A FAITHFUL
8 EMPLOYEE OF THE UNITED STATES POSTAL SERVICE FOR 36 YEARS
9 UNTIL HIS RETIREMENT IN 1981. HE LEAVES TO CHERISH HIS MEMORY
10 HIS WIFE AND DAUGHTER. AND INA PEPPARS, LONG-TIME SECOND
11 DISTRICT RESIDENT AND STEPMOTHER OF TRUDY ABRAHAM OF
12 COUNCILMAN HERB WESSON'S OFFICE, PREVIOUSLY, SHE WORKED IN OUR
13 OFFICE. INA PEPPARS WAS A MEMBER OF THE NEW MORNING STAR
14 BAPTIST CHURCH AND THE WOMEN'S AUXILIARY AT THE AMERICAN
15 LEGION POST 228. SHE PASSED AWAY ON AUGUST 26TH.

16

17 **SUP. KNABE:** I'D LIKE TO JOIN THAT AS WELL.

18

19 **SUP. YAROSLAVSKY, CHAIRMAN:** UNANIMOUS VOTE.

20

21 **SUP. BURKE:** IS THERE ANYTHING REMAINING?

22

23 **SUP. YAROSLAVSKY, CHAIRMAN:** YEAH, COULD WE RECONSIDER ITEM 40?
24 THE PEOPLE WHO WANTED TO BE HEARD ON THIS HAD NOT ARRIVED WHEN



**The Meeting Transcript of
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1 WE WENT THROUGH THE AGENDA. I THINK IT WOULD BE A GOOD IDEA TO
2 GIVE THEM AN OPPORTUNITY TO...

3

4 **SUP. KNABE:** I MOVE RECONSIDERATION.

5

6 **SUP. YAROSLAVSKY, CHAIRMAN:** ALL RIGHT, WITHOUT OBJECTION, ITEM
7 40 IS RECONSIDERED. I DON'T KNOW IF WE HAVE A CARD ON THEM.
8 BUT THE PEOPLE WHO ARE HERE ON ITEM 40 CAN COME UP AND
9 IDENTIFY THEMSELVES. THIS IS A DEBARMENT ISSUE.

10

11 **CRAIG BERMAN:** THANK YOU, MR. CHAIRMAN AND MEMBERS OF THE BOARD
12 OF SUPERVISORS.

13

14 **SUP. YAROSLAVSKY, CHAIRMAN:** WHY DON'T YOU HAVE A SEAT BECAUSE
15 WE CAN'T HEAR YOU WITHOUT THE MIC.

16

17 **CRAIG BERMAN:** I DO APPRECIATE YOUR COURTESY. MY NAME'S CRAIG
18 BERMAN, I REPRESENT EZRA LEVY AND G. COAST CONSTRUCTION. I DO
19 HAVE A LETTER. AND THE REASON WHY I WAS LATE THIS MORNING WAS
20 WE RECEIVED SOME EVIDENCE WHICH I DID FEEL WAS EXTREMELY
21 CRUCIAL TO THIS BOARD'S DECISION NOT ONLY TODAY BUT ALSO A
22 DECISION WHICH WAS MADE BACK ON MAY 1ST. I HAVE FIVE COPIES
23 FOR THE BOARD. EFFECTIVELY, PART OF WHAT WAS CONSIDERED DURING
24 THE DEBARMENT PROCESS WAS A PROJECT CALLED PAYUMA, IT'S A WALL
25 IN THE MALIBU CANYON.



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1

2 **SUP. YAROSLAVSKY, CHAIRMAN:** HOLD HIS TIME.

3

4 **CRAIG BERMAN:** WE RECEIVED AND YOU WILL SEE...

5

6 **SUP. YAROSLAVSKY, CHAIRMAN:** START HIS TIME OVER BECAUSE HE
7 REALLY HASN'T STARTED.

8

9 **CRAIG BERMAN:** THANK YOU VERY MUCH. I APPRECIATE IT. WE
10 RECEIVED YESTERDAY, LATE YESTERDAY, A REPORT FROM AN ENGINEER
11 WHICH WAS RETAINED BY G. COAST'S SURETY. IT'S ATTACHED AS
12 EXHIBIT 1 TO THE PACKET WHICH YOU JUST RECEIVED. AND, IF YOU
13 LOOK AT THAT PACKET, THE MAIN ISSUE WHICH WAS BROUGHT TO THIS
14 BOARD WAS THE COMPRESSIVE STRENGTH OF THAT WALL. AND THE
15 COMPRESSIVE STRENGTH, THE MINIMUM REQUIREMENTS IS 3,250 P.S.I.
16 THERE HAVE BEEN SIX SEPARATE STUDIES, TESTS CONDUCTED. THOSE
17 SIX STUDIES AND THE RESULTS OF THEM ARE ALL CONTAINED IN
18 EXHIBIT 1. EVERY SINGLE STUDY IS IN EXCESS, FAR IN EXCESS OF
19 THE 3,250. AND, IF YOU LOOK, I'LL DRAW YOUR ATTENTION TO THE
20 VERY BOTTOM OF EXHIBIT 1 WHERE IT STARTS WITH 3,900, 4,470,
21 4,720, 4,480, 4,120 AND 5,180. WHEN THIS BOARD WAS PRESENTED
22 WITH EVIDENCE AS TO WHY THEY SHOULD DEFAULT AND ULTIMATELY
23 DEBAR THIS CONTRACTOR, IT WAS BASED ON EVIDENCE THAT THE WALL
24 DID NOT HAVE SUFFICIENT STRENGTH. MR. LEVY PROVIDED THIS BOARD
25 AND ALSO THE DEBARMENT-- EXCUSE ME, THE CONTRACTOR HEARING



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1 BOARD WITH EVIDENCE TO SHOW THAT THIS WALL HAD SUFFICIENT
2 STRENGTH. THE COUNTY, ON THE OTHER HAND, HAD DIFFERENT
3 EVIDENCE. NOW, UN-CONTROVERTED, UN-CONTRADICTED EVIDENCE TO
4 SHOW THAT THIS WALL IS, IN FACT, STRONG AND HAS SUFFICIENT
5 STRENGTH.

6

7 **SUP. YAROSLAVSKY, CHAIRMAN:** WHY IS IT INCONTROVERTIBLE?

8

9 **CRAIG BERMAN:** THIS IS A THIRD-PARTY...

10

11 **SUP. YAROSLAVSKY, CHAIRMAN:** WHO PAID FOR THIS CONTRACTOR?

12

13 **CRAIG BERMAN:** THIS IS BEING PAID FOR BY THE SURETY. THE SURETY
14 HAS STEPPED UP. GENERAL INSURANCE HAS STEPPED UP.

15

16 **SUP. YAROSLAVSKY, CHAIRMAN:** WHAT'S THE SURETY'S INTEREST IN
17 ALL OF THIS?

18

19 **CRAIG BERMAN:** I'M SURE THE SURETY'S INTEREST IS TO GET OUT OF
20 THERE AS QUICKLY AS POSSIBLE.

21

22 **SUP. YAROSLAVSKY, CHAIRMAN:** YOU THINK THE SURETY INTEREST
23 DOESN'T WANT TO HAVE TO ASSUME ANY KIND OF FINANCIAL LIABILITY
24 IF IT WASN'T UP TO SNUFF?

25



**The Meeting Transcript of
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1 **CRAIG BERMAN:** NOT REPRESENTING THE SURETY...

2

3 **SUP. YAROSLAVSKY, CHAIRMAN:** I KNOW, BUT WOULDN'T THAT BE-- I
4 MEAN, PUT YOURSELF-- WOULDN'T THAT BE THE LOGICAL INFERENCE?

5

6 **CRAIG BERMAN:** ABSOLUTELY.

7

8 **SUP. YAROSLAVSKY, CHAIRMAN:** SO IT'S NOT EXACTLY AN
9 INDEPENDENT...

10

11 **CRAIG BERMAN:** WELL IT'S INDEPENDENT THE FACT THAT...

12

13 **SUP. YAROSLAVSKY, CHAIRMAN:** THAT IT'S NOT YOU.

14

15 **CRAIG BERMAN:** WELL, NO. THIS WAS APPROVED BY THE COUNTY OF LOS
16 ANGELES, BY THE DEPARTMENT OF PUBLIC WORKS. THE DEPARTMENT OF
17 PUBLIC WORKS HAD TO APPROVE THE REMEDIATION PLAN. THEY HAD TO
18 APPROVE THE ENGINEERING COMPANY AND THE FIRM WHICH IS NOW
19 DOING THE WORK OUT ON THE WALL. SO THEY HAVE BEEN INSPECTED.
20 THEY HAVE BEEN SUPERVISED BY THE COUNTY. THIS IS NOT A...

21

22 **SUP. YAROSLAVSKY, CHAIRMAN:** UNFORTUNATELY, I DON'T THINK OUR
23 COUNTY PEOPLE ARE HERE AND THIS IS A SETTLED ISSUE, THE ISSUE
24 OF THE WALL IN MALIBU, IN THE SANTA MONICA MOUNTAINS IS A
25 SETTLED ISSUE. I'M NOT GOING TO TRY TO RECOLLECT FROM MY



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1 MEMORY AND I'M CERTAINLY NOT GOING TO BE ABLE TO TRANSLATE
2 INTO PRACTICAL TERMS WHAT THIS REPORT IS. ALL I CAN TELL YOU
3 IS WE ALL SAW AN ABUNDANCE OF PHOTOGRAPHS. MY STAFF WAS OUT
4 THERE. IT DID NOT MEET THE TERMS AND CONDITIONS THAT THE
5 CONTRACT WAS ESTABLISHED FOR. THE WALL WAS FALLING APART. YOU
6 WEREN'T HERE THAT DAY, WERE YOU? HAVE YOU BEEN OUT TO THE
7 WALL?

8

9 **CRAIG BERMAN:** I HAVE BEEN OUT TO THE WALL.

10

11 **SUP. YAROSLAVSKY, CHAIRMAN:** YEAH, OKAY. WOULD YOU LIKE THAT
12 WALL AS A WALL SEPARATING YOU FROM YOUR NEIGHBORS?

13

14 **CRAIG BERMAN:** THERE'S NOTHING WRONG WITH THE WALL. THERE'S
15 NOTHING WRONG FROM A COMPRESSION STRENGTH...

16

17 **SUP. YAROSLAVSKY, CHAIRMAN:** NOTHING WRONG WITH A WALL THAT HAS
18 HOLES EVERY SO MANY FEET IN IT AND IT'S FALLING APART. NOTHING
19 WRONG WITH THE WALL.

20

21 **CRAIG BERMAN:** CHAIRMAN YAROSLAVSKY, TO BE QUITE FRANK...

22

23 **SUP. YAROSLAVSKY, CHAIRMAN:** IF THERE WAS A WALL LIKE THAT
24 SEPARATING ME AND MY NEIGHBOR AND IT WAS ON MY NEIGHBOR'S



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1 PROPERTY AND IT SO HAPPENED IT HAPPENED ONE TIME THAT WAY, I'D
2 TELL MY NEIGHBOR TO FIX IT.

3

4 **CRAIG BERMAN:** THE WALL, CHAIRMAN YAROSLAVSKY, THE HOLES PUT
5 INTO THAT WALL WERE HOLES PUT INTO THE WALL TO TEST THE WALL.

6

7 **SUP. YAROSLAVSKY, CHAIRMAN:** I'M NOT GOING TO GO THROUGH THIS
8 AGAIN. WITH ALL DUE RESPECT, WITH ALL DUE RESPECT, WE'RE NOT
9 GOING TO RE-HEAR THAT CASE AGAIN. THAT'S NOT THE ISSUE.

10

11 **CRAIG BERMAN:** I'M NOT ASKING YOU TO RE-HEAR THAT CASE.

12

13 **SUP. YAROSLAVSKY, CHAIRMAN:** I KNOW. I'M SYMPATHETIC TO YOU
14 BECAUSE YOU HAVE ASSUMED A DEFENSE OF A CONTRACTOR WHO SCREWED
15 US, PERIOD. AND HE'S ENTITLED TO HAVE HIS LAWYER HERE AND I'M
16 NOT GOING TO GIVE YOU A HARD TIME ON THAT. I WOULDN'T WANT TO
17 BE IN YOUR SHOES. THAT WALL WILL NOT STAND THE TEST OF TIME.
18 IT IS FOLDING. IT IS PERFORATED. YOU DON'T HAVE TO BE AN
19 ENGINEER TO SEE IT. AND, YOU KNOW, WHAT IS THAT OLD LINE?
20 SOMEBODY SAYS I SEE WHAT I SEE. DON'T TRY TO TELL ME WHAT I
21 DON'T SEE. THE WALL IS NOT-- IT DOES NOT MEET OUR STANDARD.
22 NOW THAT'S AN ISSUE THAT WE MADE A DECISION ON, ON A FIVE TO
23 NOTHING VOTE MANY MONTHS AGO. AND THAT WASN'T THE ONLY ISSUE
24 THAT WE HAD. THE ISSUE TODAY IS ON THE DEBARMENT.

25



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1 **CRAIG BERMAN:** I UNDERSTAND THAT.

2

3 **SUP. YAROSLAVSKY, CHAIRMAN:** SO TAKE ANOTHER MINUTE. I TOOK
4 YOUR TIME. TAKE ANOTHER MINUTE TO SPEAK DIRECTLY TO THAT
5 ISSUE.

6

7 **CRAIG BERMAN:** FAIR ENOUGH. THE PROBLEM I HAVE WITH THE
8 DEBARMENT RECOMMENDATION DOESN'T ONLY RELATE TO PAYUMA BUT
9 PAYUMA MADE UP HALF OF THE ALLEGATIONS. THE CURRENT STATUS OF
10 PROOF AND EVIDENCE SHOWS THAT THAT WALL WILL STAND THE TEST OF
11 TIME. IT DOES HAVE SUFFICIENT STRUCTURAL SUPPORT. WHEN THE
12 COUNTY CAME, EXCUSE ME, THE D.P.W. CAME HERE BEFORE, THE ONLY
13 ALLEGATION AND THE ONLY ALLEGATION THROUGHOUT THE ENTIRE
14 DEBARMENT RELATING TO THAT WALL WAS, WILL THIS WALL STAND UP?
15 IS IT STRUCTURALLY SOUND? WELL, THERE'S NOW SIX TESTS WHICH
16 INDICATE, YES, IT WILL EXCEED-- IT DOES EXCEED THE STRUCTURAL
17 REQUIREMENTS. SO THAT WAS THE REASON WHY I CAME IN TODAY. THAT
18 WAS THE REASON WHY I BROUGHT THIS EVIDENCE. I THOUGHT IT WAS
19 IMPORTANT. I DID NOT WANT TO WASTE YOUR TIME AND I THANK YOU
20 FOR TAKING SOME TIME AND GIVING US SOME ADDITIONAL TIME TO
21 PRESENT THIS TO YOU.

22

23 **SUP. YAROSLAVSKY, CHAIRMAN:** MS. LICHTENBERG, DO YOU WANT TO
24 ADDRESS THIS ISSUE?

25



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1 **MS. LICHTENBERG:** YES, MR. CHAIRMAN. THE CONTRACTOR HEARING
2 BOARD'S RECOMMENDATION TO DEBAR G-COAST IS NOT BASED ON A
3 FINDING REGARDING THE COMPRESSIVE STRENGTH OF THAT WALL. THEY
4 FOUND THAT THE EVIDENCE WAS INCONCLUSIVE. SO THEIR
5 RECOMMENDATION IS NOT BASED ON THAT ENGINEERING ANALYSIS.

6

7 **SUP. YAROSLAVSKY, CHAIRMAN:** WHAT IS IT BASED ON?

8

9 **MS. LICHTENBERG:** WELL, THEIR FINDINGS ARE SEVERAL. THEY'RE
10 SUMMARIZED AT PAGES 6 AND 7 OF THE BOARD LETTER BUT THERE WERE
11 OTHER NUMEROUS BREACHES. THEY DID FIND THAT G-COAST COMMITTED
12 FRAUDULENT ACTS BY INTENTIONALLY COERCING A SUBCONTRACTOR TO
13 MAKE A FALSE CLAIM, AMONG OTHER THINGS.

14

15 **SUP. YAROSLAVSKY, CHAIRMAN:** AMONG OTHER THINGS.

16

17 **CRAIG BERMAN:** BUT MR. YAROSLAVSKY...

18

19 **SUP. YAROSLAVSKY, CHAIRMAN:** YOU GET THE LAST WORD.

20

21 **CRAIG BERMAN:** THANK YOU. WE'RE MIXING ISSUES HERE.

22

23 **SUP. YAROSLAVSKY, CHAIRMAN:** NO, I THINK YOU WERE MIXING
24 ISSUES.

25



The Meeting Transcript of
The Los Angeles County Board of Supervisors

1 **CRAIG BERMAN:** THE COOK'S CANYON, THE ALLEGATION WITH REGARDS
2 TO COERCING, WHICH I DON'T BELIEVE WAS EVER PROVED, THAT
3 RELATED TO THE COOK'S CANYON PROJECT. THE COOK'S CANYON
4 PROJECT HAD NOTHING TO DO WITH STRUCTURAL STRENGTH. THERE WERE
5 FRANKLY-- AND DURING THAT LAST HEARING...

6

7 **SUP. YAROSLAVSKY, CHAIRMAN:** BUT I BELIEVE WHAT SHE'S SAYING,
8 AND SHE'S OUR COUNSEL ON THIS AND SHE'S FAMILIAR WITH THE
9 CASE, WHAT SHE'S SAYING IS THAT THE REASON FOR THE DEBARMENT
10 HAS NOTHING TO DO WITH THE STRUCTURAL STRENGTH OF THE WALL IN
11 PAYUMA. YOU CAME HERE TRYING TO FOCUS-- AND I UNDERSTAND WHY--
12 ON THE WALL IN PAYUMA, AS THOUGH THAT WERE THE LINCHPIN OF THE
13 WHOLE DEBARMENT PROCEEDING. IT'S NOT. IT'S NOT.

14

15 **CRAIG BERMAN:** NO, I DO BELIEVE IT IS A IMPORTANT FACTOR
16 BECAUSE, WHEN YOU LOOK AT ALL OF THE FACTS FOUND BY THE
17 CONTRACTORS' BOARD HEARING, THEY ALL WERE INTERWOVEN WITH THIS
18 ISSUE OF SAFETY, THIS ISSUE OF WILL THIS WALL WILL COME DOWN?
19 AND IF THE WALL IS STRONG AND IT HAS SUFFICIENT STRENGTH,
20 THERE WOULD NOT HAVE BEEN-- THERE WERE THESE SIX TESTS,
21 INDEPENDENT TESTS, WHICH WERE DONE WITH THE COUNTY'S
22 SUPERVISION AND PROVIDED AT THE DEBARMENT HEARING, YOU
23 WOULDN'T HAVE THOSE TYPE OF ALLEGATIONS. COOK'S COUNTY,
24 SEPARATE. I DON'T HAVE-- I SUBMITTED THE EVIDENCE TO YOU A
25 COUPLE WEEKS AGO WHEN YOU FOUND G-COAST IN DEFAULT. WE



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1 BELIEVED THAT EVIDENCE STILL DOESN'T SUPPORT DEFAULT OR A
2 DEBARMENT ON COOK'S COUNTY BUT THE CLAIM AS TO THE SAFETY
3 ISSUE OF THE WALL, WHETHER IT WILL STAND THE QUOTE/UNQUOTE
4 TEST OF TIME, THAT IS SIGNIFICANTLY PROVEN BY THESE SIX TESTS,
5 WHICH WE JUST RECEIVED.

6

7 **SUP. YAROSLAVSKY, CHAIRMAN:** OKAY, THANK YOU. APPRECIATE IT.

8

9 **EZRA LEVI:** CAN I SAY SOMETHING PLEASE?

10

11 **SUP. YAROSLAVSKY, CHAIRMAN:** GO AHEAD.

12

13 **EZRA LEVI:** I DON'T WANT TO CONTEST ANYTHING YOU DO HERE.

14

15 **SUP. YAROSLAVSKY, CHAIRMAN:** YOU HAVE TO SPEAK INTO THE
16 MICROPHONE.

17

18 **EZRA LEVI:** I DON'T WANT TO CONTEST TODAY THE CONCLUSION OF THE
19 PUBLIC WORKS. WHAT I WANT TO ASK IS INVESTIGATION. I HAVE BEEN
20 ASKING FOR THIS FROM THE BEGINNING. I HAVE BEEN SAYING AND I'M
21 SAYING I'M LOOKING AT ALL OF YOU. THERE IS-- SOME EVIDENCE WAS
22 FABRICATED. I'M BEGGING YOU, PLEASE, INVESTIGATE INTO THIS.
23 THIS CASE IS JUST ONE OF THEM. I'VE BEEN TOLD THAT THE TESTS,
24 THE P.S.I. TEST WAS WRONG. WE HAD THAT PIECE OF CONCRETE THAT
25 DAY THAT WE SHOWED WHAT WAS IN THERE. THIS IS ONLY ONE SAMPLE.



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1 PLEASE. INVESTIGATE INTO THIS. YOU HERE NOT TO STAND WHAT THEY
2 DO. YOU HERE TO PROVIDE FOR OUR SOCIETY SAFETY AND TO MAKE
3 SURE THAT WE HAVE SOME CONTROL SYSTEM. DON'T TAKE MY WORD FOR
4 IT. DON'T LISTEN TO ME. TAKE AN OUTSIDER, THERE WAS AN
5 ENGINEER ON THE COOK'S CANYON GIVING INSTRUCTIONS TO DO WORK
6 FOR SIX WEEKS. ON THE DEBARMENT, HE STAND ON THE STAND AND HE
7 LIED ALL OVER. I DON'T KNOW HOW TO SAY IT. HOW CAN I PAINT IT
8 NICER? HE JUST SAID, I NEVER TOLD YOU THAT. THE INSPECTOR ON
9 PAYUMA, HE WAS WATCHING EVERY STEP OF THE WAY WHAT WE WERE
10 DOING THERE. HE STOP IN MY OFFICE EVERY WEEK TWO, THREE TIMES.
11 AT THE END OF THE JOB, HE ASKED ME FOR MONEY. I NEVER WANT TO
12 BRING IT ON. THEN HE SWITCHED ALL HIS TESTIMONY AGAINST ME. HE
13 TESTIFIED THAT I DID ALL THOSE THAT DAY THAT WE POURED THE
14 CONCRETE. LOOK AT HIS DIARY THAT DAY. HE WROTE IN HIS DIARY
15 THE CONCRETE WAS POURED LATE BECAUSE OF MY SUPERVISOR WAS
16 MISTAKE AND HE WROTE IN THERE NONSENSE IDEA OF HIS BOSS. THAT
17 CONCRETE WAS POURED THAT DAY. SO THERE WAS SOME LOOKS OF THE
18 WORLD PROBLEM WHICH HE LOOK AT. IT IS NOT THE STRENGTH. IT IS
19 NOTHING TO DO WITH ME.

20
21 **SUP. YAROSLAVSKY, CHAIRMAN:** WHO ASKED YOU FOR MONEY?

22
23 **EZRA LEVI:** INSPECTOR WIGGINS.

24
25 **SUP. YAROSLAVSKY, CHAIRMAN:** WHAT KIND OF MONEY?



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The Los Angeles County Board of Supervisors

1

2 **EZRA LEVI:** HE WANTS ME TO PAY MONEY FOR COOPERATING WITH ME TO
3 HELP ME ON THIS JOB. I NEVER WANTED TO BRING IT UP HERE
4 BECAUSE THIS IS NOT THE ISSUE. THE ISSUE IS WHETHER DID I DO
5 BAD JOB OR I DID NOT. THE CONCRETE THAT DAY WAS POURED THE
6 12TH. IT WAS SCHEDULED 8:00. THERE IS HIS DIARY WRITTEN BLACK
7 AND WHITE. BLACK AND WHITE WRITTEN THAT I POURED THE CONCRETE
8 THAT DAY LATE AND THAT WE FINISHED IT AT 7:00. WE GOT THE
9 CONCRETE...

10

11 **SUP. YAROSLAVSKY, CHAIRMAN:** WAS THERE ANYBODY ELSE AROUND YOU
12 WHEN HE ASKED YOU FOR MONEY?

13

14 **EZRA LEVI:** I COULD BRING MY DAUGHTER. SHE WORK IN MY OFFICE.
15 HOW HE ASK ALWAYS-- ASK HER OUT OF MY OFFICE SO HE CAN TALK TO
16 ME.

17

18 **SUP. YAROSLAVSKY, CHAIRMAN:** WHY DIDN'T YOU EVER BRING THAT TO
19 OUR ATTENTION BEFORE OR TO MY ATTENTION OR TO MY STAFF'S
20 ATTENTION?

21

22 **EZRA LEVI:** IT'S BEEN MONTHS THAT I'M ASKING MYSELF WHY I
23 DIDN'T DO IT BECAUSE I ALWAYS HAVE THE FEAR OF WHAT'S BEEN
24 DONE TO ME. THAT THE INSPECTOR, IF YOU DON'T COOPERATE WITH
25 HIM...



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1

2 **SUP. YAROSLAVSKY, CHAIRMAN:** DID YOU PAY HIM ANY MONEY?

3

4 **EZRA LEVI:** NO. THAT'S WHY MAYBE HE TURNED AROUND AND HE DID
5 WHAT HE DID. YOU LOOK AT HIS DIARY. YOU KNOW WHAT HE SAID WHEN
6 WE ASK HIM, WHY DIDN'T YOU WRITE THE DAY THAT THAT CONCRETE
7 WAS POURED? AND I WANT TO POLICE INVOLVED IN IT. I WANT
8 ANYBODY TO BE INVOLVED IN IT. I WILL TESTIFY UNDER OATH
9 WHATEVER YOU NEED. PUT ME ON THE LIE DETECTOR. PUT ALL THE
10 INSPECTORS ON THE JOB ON THE LINE. YOU FIND THAT THAT
11 DEPARTMENT IS GROUP OF PEOPLE, I MEAN, GOD IS MY WITNESS. I'VE
12 BEEN FLAMED.

13

14 **SUP. YAROSLAVSKY, CHAIRMAN:** THANK YOU. WE NEED TO FIND OUT
15 WHAT THE TRUTH OF THE MATTER ON THIS ALLEGATION IS. THAT'S A
16 SERIOUS ALLEGATION. WHAT WOULD BE THE APPROPRIATE WAY TO...

17

18 **C.E.O. FUJIOKA:** WE SHOULD HAVE OUR AUDITOR CONTROLLER LOOK
19 INTO IT. THEY HAVE AN INVESTIGATIVE ARM AND THE AUDITOR
20 CONTROLLER COULD ADDRESS THIS.

21

22 **SUP. YAROSLAVSKY, CHAIRMAN:** WHY DON'T WE DO THAT?

23

24 **C.E.O. FUJIOKA:** WE'LL DO THAT.

25



**The Meeting Transcript of
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1 **SUP. YAROSLAVSKY, CHAIRMAN:** LET ME ASK YOU A QUESTION-- WELL,
2 EXCUSE ME FOR ONE SECOND? ALL RIGHT. WE COULD PROCEED ON THE
3 ITEM BEFORE US, THE DEBARMENT TODAY AND STILL PURSUE THE
4 INVESTIGATION, COULD WE NOT?

5

6 **SPEAKER:** YES, YOU CAN, MR. CHAIRMAN.

7

8 **EZRA LEVI:** MR. YAROSLAVSKY, IS DEVASTATING ME FINANCIALLY.

9

10 **SUP. YAROSLAVSKY, CHAIRMAN:** NO, NO.

11

12 **EZRA LEVI:** IF YOU CAN PUT A HOLE ON IT. YOU CAN ALWAYS GO BACK
13 TO THIS. IT IS DESTROYING ME. I GOT FAMILY.

14

15 **SUP. YAROSLAVSKY, CHAIRMAN:** I KNOW. I KNOW IT'S DESTROYING
16 YOU.

17

18 **EZRA LEVI:** IF THERE'S SOMETHING MAYBE WRONG WITH YOUR
19 DEPARTMENT...

20

21 **SUP. YAROSLAVSKY, CHAIRMAN:** IT MAY BE-- WELL, I'M NOT GOING TO
22 SAY ANY MORE THAN THAT. YOU'VE GOT A PROBLEM.

23

24 **EZRA LEVI:** I DO.

25



**The Meeting Transcript of
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1 **SUP. YAROSLAVSKY, CHAIRMAN:** AND I WANT TO MAKE SURE THAT WE
2 DON'T HAVE A PROBLEM OR, IF WE DO, THAT WE FIX IT. BUT I DON'T
3 THINK THE TWO ARE LINKED, BASED ON THE DISCUSSIONS WE'VE HAD
4 IN THE PAST. SO I WOULD RECOMMEND-- I'M GOING TO MOVE THAT WE
5 ASK THE AUDITOR CONTROLLER TO INVESTIGATE THIS ALLEGATION. AND
6 THAT WE PROCEED WITH THE RECOMMENDATION OF THE STAFF AT THIS
7 TIME.

8

9 **SUP. BURKE:** AND I WOULD ADD THAT IF, IN THE INVESTIGATION,
10 THERE IS FOUND THAT THERE WAS ANYTHING INAPPROPRIATE, THAT
11 THIS BE RETURNED BACK TO THE BOARD. THE WHOLE ISSUE BE
12 RETURNED BACK TO THE BOARD.

13

14 **SUP. YAROSLAVSKY, CHAIRMAN:** I THINK THAT'S A GOOD SUGGESTION.

15

16 **CRAIG BERMAN:** MAY I JUST MAKE ONE COMMENT?

17

18 **SUP. YAROSLAVSKY, CHAIRMAN:** NO. MR. FUJIOKA?

19

20 **C.E.O. FUJIOKA:** I RECOMMEND YOU GO FORWARD WITH THE DISBARMENT
21 PROCEEDINGS. OUR STAFF HAS BEEN INVOLVED WITH THIS. WE LOOKED
22 AT IT CAREFULLY. THE FACTS ARE THE FACTS.

23

24 **SUP. YAROSLAVSKY, CHAIRMAN:** JUST HYPOTHETICALLY, IF, AFTER THE
25 INVESTIGATION IS COMPLETED AND HE'S PROVEN FOR THE FIRST TIME



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1 TO BE RIGHT, WE CAN UNDO A DEBARMENT AS WELL AS POSTPONE ONE,
2 CAN WE NOT? WHAT IS THE PROCEDURE?

3

4 **SPEAKER:** YOU COULD RECONSIDER YOUR DECISION, YES.

5

6 **SUP. YAROSLAVSKY, CHAIRMAN:** AT ANY TIME.

7

8 **SPEAKER:** BUT, YOU KNOW, THE FINDINGS...

9

10 **SUP. YAROSLAVSKY, CHAIRMAN:** I KNOW WHAT THE FINDINGS ARE AND I
11 DON'T THINK THE FINDINGS ARE GOING TO CHANGE BUT JUST IN THE
12 EVENT THAT THEY DID, THIS IS NOT FOR ETERNITY IF OTHER FACTS
13 COME TO LIGHT. BUT I'M AWARE OF THE FACTS AND THE FACTS WERE
14 VERY COMPELLING THE FIRST TIME AND THE SECOND TIME. ALL RIGHT.
15 THERE IS A MOTION. PLEASE TURN OFF THE MICROPHONE. THERE IS A
16 MOTION BEFORE US. SECONDED BY MR. ANTONOVICH. IS THERE ANY
17 OBJECTION TO THE MOTION TO ASK THE AUDITOR CONTROLLER TO
18 INVESTIGATE THE ALLEGATIONS THAT WERE MADE HERE TODAY AND,
19 SECONDLY, TO APPROVE THE DEBARMENT? IF NOT, UNANIMOUS VOTE.
20 THANK YOU. MS. BURKE, ARE YOU STILL UP?

21

22 **SUP. BURKE:** I HAVE NOTHING FURTHER.

23

24 **SUP. YAROSLAVSKY, CHAIRMAN:** I HAVE ONE ADJOURNING MOTION. I
25 ASK THAT WE ADJOURN TODAY IN THE MEMORY OF TERRY VALENTE, A



**The Meeting Transcript of
The Los Angeles County Board of Supervisors**

1 LONG-TIME RESIDENT OF TOPANGA AREA AND A CIVIC LEADER WHO
2 PASSED AWAY AT THE AGE OF 55. AMONG HIS NUMEROUS COMMUNITY
3 ACTIVITIES, SHE SPENT COUNTLESS HOURS VOLUNTEERING FOR THE
4 TOPANGA COUP PRESCHOOL AS A BOOKKEEPER AND SERVED AS THE
5 EMERGENCY HOTLINE COORDINATOR AT THE TOPANGA COMMUNITY
6 EMERGENCY PREPAREDNESS PROGRAM, AS WELL AS PAST PRESIDENT OF
7 THE TOPANGA WOMEN'S CLUB. SHE WAS INSTRUMENTAL IN GETTING THE
8 BALL FIELD BUILT THAT WE HELPED FUND, THE COUNTY HELPED FUND,
9 AND VOLUNTEERED AT ALL THEIR FUNDRAISERS. SHE WAS ACTIVE IN
10 THE COMMUNITY. SHE IS SURVIVED BY HER HUSBAND, JOSEPH, A SON,
11 GABRIEL, TWO DAUGHTERS, AARON VALENTE AND MELISSA VALENTE-
12 VARGAS AND THREE BROTHERS, MIKE, DAVID AND THOMAS TROY, AS
13 WELL AS TWO SISTERS, RHEA AND PEGGY TROY. UNANIMOUS VOTE. WE
14 HAD ITEM NUMBER 5, IS THAT STILL?

15

16 **CLERK SACHI HAMAI:** A MEMBER OF THE PUBLIC?

17

18 **SUP. YAROSLAVSKY, CHAIRMAN:** YES. MR. SACHS? YOU ALSO ARE
19 HOLDING C.S.-5. SO WHY DON'T YOU TAKE THE TIME TO SPEAK TO
20 BOTH OF THEM UNDER THIS TIME, OKAY, MR. SACHS?

21

22 **ARNOLD SACHS:** ACTUALLY, MR. CHAIRMAN, JUST ONE COMMENT ON
23 C.S.-5, YOU CAN PUT THAT ASIDE. THAT'S FINE. BUT NUMBER 5, I
24 WAS GOING TO-- I APPRECIATE THE FACT THAT THIS SATURDAY IS THE
25 CALIFORNIA COASTAL CLEANUP WEEKEND. I WAS GOING TO GO TO



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1 MALIBU AND CLEAN UP ONE OF THE BEACHES BUT UNFORTUNATELY
2 THERE'S NO ACCESS THERE AND I'D LIKE TO POINT OUT THAT, IN A
3 NEWSPAPER ARTICLE, THERE WAS WRITTEN THAT \$700,000 WAS
4 PROVIDED BY THE STATE FOR USE BY THE COUNTY TO BE COMMITTED TO
5 CREATE ACCESS TO THIS PARTICULAR BEACH. I'M NOT SURE OF THE
6 NAME. BUT WE KNOW IT, I'M PRETTY SURE YOU KNOW WHAT I'M
7 TALKING ABOUT, AND IT WAS REPORTED THAT THE MONEY-- THE ACCESS
8 WOULD NOT BE CREATED BUT THAT THE MONEY THAT WAS OFFERED BY
9 THE STATE WOULD BE USED FOR OTHER REPAIRS AT OTHER BEACHES AND
10 OTHER PARKING LOTS, PUBLIC PARKING LOTS. SO I HAVE A QUESTION
11 REGARDING THAT. AND I WOULD LIKE TO KNOW THAT-- BECAUSE IT
12 SEEMS TO BE LIKE THERE'S A GAME BEING PLAYED HERE BETWEEN THE
13 STATE AND THE COUNTY, THAT THEY'RE PROVIDING FUNDS THAT ARE
14 NOT GOING TO BE USED IN THE AREA THAT THEY'RE PROVIDING THEM
15 FOR. IS THE COUNTY MAKING REQUESTS FOR FUNDING FOR OTHER
16 BEACHES IN LIEU OF THIS ONE PARTICULAR BEACH? AND, IF THEY ARE
17 OR ARE NOT, WHY ARE THEY NOT MAKING REQUESTS FOR FUNDING IF
18 THERE'S WORK THAT'S NECESSARY TO BE DONE AT THESE OTHER
19 BEACHES? AND THE MONEY THAT IS BEING ALLOCATED FOR THE ACCESS
20 TO THIS BEACH BE USED FOR THAT PROGRAM. THANK YOU.

21

22 **SUP. YAROSLAVSKY, CHAIRMAN:** THANK YOU. THE ITEM IS BEFORE US,
23 ITEM NUMBER 5. ANTONOVICH MOVES, KNABE SECONDS, WITHOUT
24 OBJECTION, UNANIMOUS VOTE. ITEM 25? DO WE HAVE A STAFF REPORT
25 ON THIS? I'LL CALL ARMAND GONZALES, SUJSANA GONZALES, ARMAND



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1 GONZALES, JR. AND PAUL VIZCAINO. THOSE ARE THE FIRST FOUR.
2 THERE WILL BE TWO OTHERS. CRAIG SORENSON AND JOHNATHON DUNN.
3 ARE YOU ALL TOGETHER? THEN YOU FIGURE OUT HOW YOU-- STAFF CAN
4 SIT ON THIS SIDE HERE. WHO IS SPEAKING FOR THE GROUP? ARE YOU
5 ALL TOGETHER?

6

7 **ARMAND GONZALES:** YES, WE ARE.

8

9 **SUP. YAROSLAVSKY, CHAIRMAN:** SO WHAT I'M GOING TO SUGGEST IS
10 THAT-- DO YOU HAVE A SPOKESMAN OR DO YOU WANT TO ALL TAKE TWO
11 MINUTES EACH TO SPEAK? IT'S UP TO YOU.

12

13 **ARMAND GONZALES:** NO, I BELIEVE THERE IS JUST GOING TO BE TWO
14 ARE GOING TO BE SPEAKING.

15

16 **SUP. YAROSLAVSKY, CHAIRMAN:** ALL RIGHT. SO I'LL GIVE YOU FIVE
17 MINUTES SINCE YOU HAVE A DELEGATION HERE AND THE TWO OF YOU
18 CAN DECIDE HOW YOU WANT TO DIVVY UP THE FIVE OR SIX MINUTES,
19 OKAY?

20

21 **ARMAND GONZALES:** OKAY, THANK YOU.

22

23 **SUP. YAROSLAVSKY, CHAIRMAN:** CAN YOU IDENTIFY YOURSELF?

24

25 **ARMAND GONZALES:** MY NAME IS ARMAND GONZALES.



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1

2 **SUP. YAROSLAVSKY, CHAIRMAN:** YOU'RE ON.

3

4 **ARMAND GONZALES:** I THINK JONATHON DUNN IS GOING TO SPEAK
5 FIRST.

6

7 **JONATHON DUNN:** GOOD AFTERNOON, CHAIRMAN. GOOD AFTERNOON,
8 SUPERVISORS. GOOD AFTERNOON, MR. CHIEF EXECUTIVE OFFICER
9 FUJIOKA. MY NAME IS JOHNATHON DUNN. I REPRESENT GONZALEZ
10 CONSTRUCTION. GONZALEZ CONSTRUCTION HAS BEEN WORKING WITH THE
11 COUNTY FOR SEVERAL YEARS, I BELIEVE ABOUT SEVEN. IT'S A
12 FAMILY-OWNED BUSINESS. WE HAVE HERE ARMAND GONZALES, HIS WIFE,
13 SUJSANA, HIS SON, ARMAND, JR. GONZALEZ CONSTRUCTION IN
14 CONNECTION WITH ITEM NUMBER 25, WAS THE LOWEST RESPONSIBLE
15 BIDDER WHEN THIS PROJECT WAS PUBLICLY BID LAST APRIL 2007. THE
16 DOCKWEILER PROJECT IS A 8,800 SQUARE FOOT YOUTH CENTER THAT'S
17 GOING TO BE DOWN AT THE DEPARTMENT OF BEACHES DOWN AT
18 DOCKWEILER. ITS PURPOSE IS TO PROVIDE AN OPPORTUNITY FOR INNER
19 CITY AND AT RISK CHILDREN TO INCREASE THEIR AWARENESS OF OCEAN
20 AND BEACH SAFETY THROUGH ORGANIZED ACTIVITIES THAT PROVIDE
21 SKILLS, KNOWLEDGE AND PERSONAL EXPERIENCES, POSITIVE PERSONAL
22 EXPERIENCES. I WANT TO GIVE A LITTLE BIT OF THE HISTORY OF THE
23 DOCKWEILER BID. IT WAS ORIGINALLY AN AGENDA ITEM FOR
24 CONSIDERATION IN TERMS OF THE FUNDING AND THE DEVELOPMENT IN
25 OCTOBER 2003. THE ORIGINAL ESTIMATE WAS 3 MILLION BACK IN



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1 OCTOBER 2003. THE ORIGINAL START OF CONSTRUCTION WAS PROJECTED
2 FOR FEBRUARY 2005. THE ORIGINAL COMPLETION BACK AT THAT TIME
3 WAS PROJECTED AS OCTOBER 2005. SO WE ARE NEARLY TWO YEARS
4 AFTER THE TIME WHEN IT WAS ORIGINALLY PROJECTED THAT THIS
5 PROJECT WOULD BE COMPLETE. THE PROJECT DID GO OUT FOR BID AND
6 BIDS WERE RECEIVED IN APRIL. APRIL 12TH, 2007 THEY WERE
7 OPENED. THERE WAS ANOTHER LOWER BIDDER THAT HAD A MISTAKE AND
8 IT WAS REMOVED AND GONZALEZ WAS THE LOWEST RESPONSIBLE BIDDER.
9 HIS PRICE CAME IN WITH AN ALTERNATE OF ABOUT 4.7 MILLION. THE
10 OTHER RESPONSIVE BIDS WERE NOT TOO FAR OFF THAT. IN FACT,
11 WITHIN A FEW THOUSAND DOLLARS, THE NEXT HIGHEST BIDDER. ON
12 APRIL 19TH, GONZALEZ CONSTRUCTION WAS GIVEN A CONSULTING
13 AGREEMENT, WHICH IS THE COUNTY'S PROCESS HERE, TO START THE
14 SCHEDULE, THE SCHEDULE OF VALUES AND THE SUBMITTAL PROCESS.
15 THEY ALSO HAD NUMEROUS DISCUSSIONS WITH COUNTY PERSONNEL
16 CONGRATULATING THEM FOR BEING THE LOW BIDDER. THAT PARTICULAR
17 CONSULTING AGREEMENT WAS SIGNED ON MAY 1ST. GONZALEZ PREPARED
18 THE SCHEDULES, THEY PREPARED THE SCHEDULE OF VALUES, THEY
19 BEGAN THE SUBMITTAL PROCESS, WHICH IS A DIALOGUE WITH
20 SUBCONTRACTORS AND SUPPLIERS. IN JUNE 2007, GONZALEZ WAS ASKED
21 TO EXTEND ITS BID SO THAT THEY COULD SECURE SOME FUNDING
22 ISSUES OR WORK THROUGH SOME FUNDING ISSUES THAT THE COUNTY
23 HAD. GONZALEZ COMPLIED AND EXTENDED ITS BID PRICE. THE FUNDING
24 ISSUES WERE RESOLVED. AND, IN JULY, THE COUNTY ISSUED A PERMIT
25 TO GONZALEZ. GONZALEZ DISCUSSED WITH PERSONNEL INVOLVED WITH



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1 THE DEPARTMENT OF PUBLIC WORKS ABOUT STARTING TO MOBILIZE OR
2 STARTING TO GET ITS EQUIPMENT OUT THERE. AND, IN FACT,
3 GONZALEZ HAS PUT EQUIPMENT OUT NEAR THE DOCKWEILER PROJECT. ON
4 JULY 26TH, WHICH IS A COUPLE DAYS BEFORE THAT JULY 31ST BOARD
5 MEETING, THERE WAS AN AGENDA ITEM POSTED BY CHIEF EXECUTIVE
6 OFFICER JANSSEN. CHIEF EXECUTIVE OFFICER JANSSEN RECOMMENDED
7 THE JOB BE AWARDED TO GONZALEZ CONSTRUCTION ON JULY 31ST. I
8 JUST WANT TO READ A LITTLE BIT OF WHAT HE SAID IN THAT AGENDA
9 ITEM ON JULY 31ST. ON PAGE 3, CHIEF EXECUTIVE OFFICER JANSSEN
10 SAID, "GONZALEZ CONSTRUCTION'S BID IS CONSIDERED REASONABLE
11 FOR THE PROJECT SCOPE OF WORK. WE ARE SUBSEQUENTLY
12 RECOMMENDING AWARD OF A CONSTRUCTION CONTRACT TO GONZALEZ." IN
13 ADDITION, ON PAGE 4, THEY TALKED ABOUT THIS PARTICULAR PROJECT
14 AND THE ECONOMICS OF IT. THE REPORT SAYS, "BASED ON CURRENT
15 MARKET CONDITIONS, WE DO NOT ANTICIPATE RECEIVING MORE
16 FAVORABLE BIDS BY RE-ADVERTISING THIS PROJECT." IN ADDITION,
17 DOWN LOWER ON THE PAGE, ON PAGE 6, THEY RECOGNIZED THAT, IN
18 APRIL 2007, THE INDEPENDENT CONSTRUCTION ESTIMATE FOR THE
19 COUNTY WAS UPDATED TO PROXIMATE OR GET CLOSE TO GONZALEZ'S
20 PRICE, CONSIDERING CURRENT MARKET CONDITIONS, ESCALATION,
21 CONSTRUCTION DOCUMENT CORRECTIONS OVER THE PAST YEAR WHILE THE
22 PROJECT WAS IN THE PLANNING AND CONSTRUCTABILITY REVIEW
23 PHASES. BETWEEN JULY 26TH AND JULY 31ST...
24



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1 **SUP. YAROSLAVSKY, CHAIRMAN:** I HAVE TO ASK YOU TO WRAP IT UP.

2 GO AHEAD. WRAP IT UP.

3

4 **JOHNATHON DUNN:** BETWEEN THAT TIME PERIOD, SOMETHING CHANGED.

5 AND WE'RE NOT SURE WHAT CHANGED TO PUT THIS AGENDA ITEM BACK

6 ON FOR A RE-BID BUT WE CAN TELL YOU THE STATED REASONS DON'T

7 MAKE SENSE. THE STATED REASONS ARE TO GET A LOWER PRICE, TO

8 REDO THE PLANS TO GET A LOWER PRICE. YOU CAN ALREADY DO THAT

9 WITH GONZALEZ. IT'S CALLED VALUE ENGINEERING. IT HAPPENS ALL

10 THE TIME. YOU CAN DO A DEDUCTIVE CHANGE ORDER AND YOU CAN GET

11 THAT PRICE.

12

13 **SUP. YAROSLAVSKY, CHAIRMAN:** WELL, WHAT DO YOU THINK THE REASON

14 IS THAT IT'S BACK ON THE AGENDA?

15

16 **JOHNATHON DUNN:** WELL, GONZALEZ HAS ANOTHER PROJECT CALLED WILL

17 ROGERS AND THERE WAS A NUMBER OF DISCUSSIONS OUT AT THE

18 PROJECT SITE AT WILL ROGERS, WHICH HAS EXPERIENCED SOME

19 PROBLEMS WITH THE PLANS AND SPECIFICATIONS AND WHICH HAS

20 EXPERIENCED SOME SITE CONDITIONS THAT ARE NOT ON THE PLANS AND

21 SPECIFICATIONS.

22

23 **SUP. YAROSLAVSKY, CHAIRMAN:** IS THAT THE PROJECT WHICH IS

24 ALMOST A MILLION DOLLARS OVER THE BUDGET?

25



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1 **JOHNATHON DUNN:** I DON'T KNOW THE ECONOMICS OF IT. HOWEVER,
2 THEY WERE INFORMED, IN CONNECTION WITH THAT PROJECT, THAT THEY
3 WOULD NOT GET THIS PROJECT UNTIL THE ISSUES WERE RESOLVED ON
4 THAT PROJECT. AND THERE'S A NUMBER OF ISSUES THAT HAVE TO
5 CONTINUE TO BE WORKED THROUGH ON THAT PROJECT.

6

7 **ARMAND GONZALES:** IF I MAY, THE REASON FOR THE CHANGE ORDERS
8 WERE NOT DUE TO GONZALEZ'S ERRORS BUT IN CHANGES IN SCOPE OF
9 WORK THAT WERE CAUSED BY REQUESTS BY THE COUNTY AND/OR
10 CORRECTIONS IN THE DRAWINGS. GONZALEZ DIDN'T INITIATE ANY OF
11 THOSE CHANGE ORDERS.

12

13 **SUP. KNABE:** MR. CHAIRMAN?

14

15 **SUP. YAROSLAVSKY, CHAIRMAN:** LET HIM FINISH. I DON'T WANT TO
16 CUT HIM OFF.

17

18 **ARMAND GONZALES:** ONE THING IF I MIGHT SAY REAL QUICKLY IS
19 THAT, BY AWARDING THE CONTRACT TO US, YOU'RE GOING TO SAVE
20 APPROXIMATELY NINE MONTHS TO A YEAR IN TIME IN COMPLETION OF
21 THIS PROJECT. WE CAN MOBILIZE IN THE NEXT COUPLE WEEKS IF, ON
22 NEXT WEEK'S AGENDA, YOU GO AHEAD AND AWARD THIS PROJECT. WE'RE
23 READY. WE'RE STAFFED. WE'VE BEEN PLANNING THIS PROJECT,
24 EVERYTHING'S BEEN PUT INTO PLACE. THE COASTAL COMMISSION HAS
25 BEEN INFORMED THAT WE WERE GOING TO BE AWARDED THIS PROJECT.



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1 THE COASTAL COMMISSION PROCESS HAS ALREADY BEEN STARTED. WE
2 COULD BE MOBILIZED IN A WEEK OR TWO. WE WILL BE ABLE TO PUT IN
3 OUR FOUNDATIONS BEFORE THE RAIN SEASON COMES SO THAT WE CAN BE
4 STARTED WITH THE CONSTRUCTION. WE WON'T BE DELAYED BY THE
5 RAINS. IF THE FOUNDATIONS ARE NOT PUT IN BEFORE THE RAINY
6 SEASONS, YOU'RE GOING TO HAVE TO BE WAITING FOR THE EARTH TO
7 DRY OR YOU WILL HAVE TO REMOVE THE EARTH AND BRING IN NEW
8 EARTH AND PAY ADDITIONAL COSTS FOR PUTTING THAT IN. WE'LL BE
9 ABLE TO FINISH THE PROJECT IN 2008, WHEREAS, THE DEPARTMENT OF
10 PUBLIC WORKS ESTIMATES THAT THE PROJECT WON'T BE FINISHED
11 UNTIL 2009. SO WE'LL NOT ONLY SAVE YOU MONEY BUT WE WILL SAVE
12 YOU APPROXIMATELY A YEAR'S WORTH OF TIME IF YOU AWARD THIS
13 PROJECT TO US.

14

15 **SUP. YAROSLAVSKY, CHAIRMAN:** I WISH THE WILL ROGERS PROJECT
16 WOULD HAVE BEEN FINISHED WHEN YOU SAID IT WOULD BE FINISHED IN
17 2006 INSTEAD OF 2007.

18

19 **ARMAND GONZALES:** WELL, AGAIN, THOSE CHANGES...

20

21 **SUP. YAROSLAVSKY, CHAIRMAN:** I'VE TAKEN A LOT OF PERSONAL
22 POLITICAL HEAT OUT IN MY DISTRICT BECAUSE OF THE DELAYS--
23 CONTINUING DELAYS, I MIGHT ADD. I JUST GOT AN EMAIL THIS WEEK.
24 WHY HAVEN'T THE BATHROOMS BEEN OPENED?

25



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1 **ARMAND GONZALES:** WELL, AGAIN, THOSE WERE CALLS BY...

2

3 **SUP. YAROSLAVSKY, CHAIRMAN:** WE'VE MISSED TWO SUMMER SEASONS.

4

5 **ARMAND GONZALES:** WE WERE ASKED TO COMPLETE THE PROJECT...

6

7 **SUP. YAROSLAVSKY, CHAIRMAN:** I'M SURE I'LL DO THIS ONE ON TIME.

8

9 **ARMAND GONZALES:** YES, WE WILL AND WE HAVE ON ALL THE OTHER
10 PAST PROJECTS WE HAVE COMPLETED. AGAIN, THE REASON WAS FOR A
11 MILLION AND A HALF WORTH DOLLARS WORTH OF CHANGE ORDERS NOT
12 BECAUSE OF GONZALEZ CONSTRUCTION.

13

14 **SUP. YAROSLAVSKY, CHAIRMAN:** WELL, I WOULDN'T EXPECT YOU TO SAY
15 THAT IT WAS. ALL RIGHT. THANK YOU, MR. GONZALEZ. MR. KNABE?

16

17 **SUP. KNABE:** MR. CHAIRMAN, I MEAN, THERE'S A COUPLE THINGS.
18 ONE, OBVIOUSLY, IT WAS NOT ANY FUNDING ISSUES AS IT RELATES TO
19 DOCKWEILER. YOU KNOW, MY FRUSTRATION HAS BEEN THE WHOLE
20 PROCESS OF FINISHING DOCKWEILER. IT SITS IN MY DISTRICT,
21 PARTICULAR THE YOUTH FACILITIES. THE VERY ISSUE THAT YOU
22 TALKED ABOUT AND YOU MAY BE CORRECT THAT NONE OF THE CHANGE
23 ORDERS AT WILL ROGERS WERE A RESULT OF GONZALES BUT THE REASON
24 THE REJECTION OF THESE BIDS IS BECAUSE THERE IS JUST-- MY
25 PROBLEM IS WITH PUBLIC WORKS AND THE FACT THAT THERE ARE



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1 DISCREPANCIES IN THESE BID DOCUMENTS THAT NEED TO BE UPDATED
2 AND PUT IT BACK OUT TO BID SO WE DON'T GET A MILLION DOLLARS
3 WORTH OF CHANGE ORDERS. I DON'T KNOW WHAT THE ISSUE-- I'VE
4 EXPRESSED IT TO THE DIRECTOR OVER THERE. BUT, AS FAR AS I'M
5 CONCERNED, THE REASON WE'RE HAVING TO DO THIS, AND I'M
6 EXTREMELY FRUSTRATED THAT WE HAVE TO REJECT THE BIDS, BUT THE
7 FACT IS THESE BID DOCUMENTS WERE NOT DONE IN A GOOD TIMELY
8 PROCESS. AND, BECAUSE OF SOME COASTAL COMMISSION ISSUES AND
9 SOME OTHER THINGS THAT WERE POINTED OUT IN THE PROCESS, THAT
10 ARE NOT INCLUDING THE EXISTING THAT YOU DID NOT BID TO BECAUSE
11 YOU WOULD HAVE NO IDEA, THE NEXT THING YOU KNOW, WE'RE DEALING
12 WITH ANOTHER, YOU KNOW, MILLION, MILLION AND A HALF, \$2
13 MILLION WORTH OF CHANGE ORDERS. SO, YOU KNOW...

14

15 **ARMAND GONZALES:** AND YOU'RE RIGHT. THAT'S EXACTLY WHAT WE'RE
16 TRYING TO AVOID.

17

18 **SUP. KNABE:** AND SO, I MEAN, I'M EXTREMELY FRUSTRATED BECAUSE
19 THAT PROJECT IS IMPORTANT TO ME AND THE PEOPLE IN MY DISTRICT,
20 AS WELL AS ALL THE PEOPLE ON THE COASTLINE BUT I THINK WE HAVE
21 TO MOVE TO REJECT THE BIDS. I DOESN'T SEE A MASSIVE DELAY
22 BECAUSE WE WERE ABLE TO ISOLATE IN THE BID DOCUMENTS WHAT THE
23 PROBLEMS WERE THAT WE CAN GET THIS BACK OUT ON THE STREET AND
24 HOPEFULLY PUBLIC WORKS CAN DO IT ON AN URGENT BASIS. I WOULD
25 HOPE THAT THE C.E.O. WOULD ENCOURAGE THAT.



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1

JOHNATHON DUNN: CAN I SPEAK TO THAT JUST REAL QUICKLY? IF THE ITEMS SERIOUSLY ARE ISOLATED AND CAN BE IDENTIFIED AND RECTIFIED THAT QUICKLY, I BELIEVE THE COUNTY WOULD BE BETTER OFF DEALING WITH IT AS A CHANGE ORDER THAN PUTTING IT OUT TO PUBLIC BID. AND THE REASON IS WHEN YOU PUT IT OUT TO PUBLIC BID, A GENERAL CONTRACTOR'S MARKUP IS OFTEN 15 TO 20 PERCENT AND THEY DO IT BECAUSE OF THE RISK AND THEY'RE NOT FAMILIAR WITH IT AND THEY HAVEN'T HAD IT THAT LONG AND PUBLIC BIDS ARE A RUSHED PROCESS. IN YOUR SPECS, YOU HAVE A VERY DEFINED COST ANALYSIS AND COST LIMITS FOR WHAT A GENERAL CONTRACTOR CAN MARK UP A CHANGE ORDER AMOUNT.

13

ARMAND GONZALES: IT'S 5 PERCENT.

15

JOHNATHON DUNN: AND IT'S 5 PERCENT OVER A SUB'S COST FOR THIS PARTICULAR PROJECT. SO IF YOU'RE LOOKING AT THE DIFFERENCE OF BETWEEN 5 PERCENT AND 15 TO 20, I WOULD SUBMIT THAT THAT WEIGHS IN FAVOR OF JUST GETTING THIS PROJECT AWARDED, ESPECIALLY IF THEY ARE ISOLATED ISSUES THAT THEY CAN ALREADY ADDRESS IN THE PLANS.

22

ARMAND GONZALES: IN ADDITION, YOU GET IT NOW BECAUSE IT WILL BE APPROXIMATELY A YEAR'S TIME BEFORE THIS GETS RE-BID SINCE APRIL 12TH. WE'RE HOLDING OUR PRICE TO OUR APRIL 12TH BID. SO

25



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1 ANY PRICE INCREASES, AS YOU'VE INDICATED EARLIER TODAY,
2 CEMENT, STEEL, LABOR, YOU'RE GOING TO INCUR THOSE INCREASED
3 COSTS WHEN YOU GO TO RE-BID. WE WILL BE OFFSETTING ANY
4 POSSIBLE INCREASES THAT SUBS MIGHT, YOU KNOW, INCLUDE IN THEIR
5 PRICES IN THE CHANGE ORDERS WILL BE GREATLY OFFSET BY THE
6 INCREASES OF THE PRICES THAT HAVE OCCURRED SINCE APRIL 12TH.

7

8 **SUP. YAROSLAVSKY, CHAIRMAN:** OKAY. MR. GONZALEZ, THANK YOU.

9

10 **SUP. KNABE:** I MEAN, THE REASON I CONTINUED IT LAST WEEK WAS TO
11 GIVE THEM AND PUBLIC WORKS A CHANCE TO DISCUSS IT. AS FAR AS I
12 KNOW AND I THINK THE PUBLIC WORKS FOLKS MAY WANT TO COMMENT,
13 THERE'S NOTHING...

14

15 **SUP. YAROSLAVSKY, CHAIRMAN:** CAN WE GET THE PUBLIC WORKS PEOPLE
16 UP HERE? I ASKED THEM EARLIER. ALL RIGHT. THERE THEY ARE.
17 ANYTHING YOU WANT TO ADD OR SAY AT THIS POINT TO THIS
18 DISCUSSION? OR NOT.

19

20 **DON WOLFE:** SUPERVISOR DON WOLFE DIRECTOR OF PUBLIC WORKS. JUST
21 A COUPLE OF THINGS THAT HAVE BEEN IMPLIED OR I HEARD IMPLIED.
22 THE DEPARTMENT ITSELF HAS NO PROBLEM WITH THIS COMPANY AS A
23 CONTRACTOR. THEY HAVE DONE SOME OUTSTANDING PROJECTS FOR US IN
24 THE PAST. THE DECISION TO ASK YOUR BOARD TO REJECT ALL BIDS
25 WAS STRICTLY A BUSINESS DECISION, WHICH WE DISCUSSED WITH



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1 COUNTY COUNSEL, WITH BEACHES AND HARBORS AND WITH THE C.A.O.
2 AND DETERMINED THAT IT WAS IN THE BEST INTERESTS OF THE
3 COUNTY, DUE TO ERRORS THAT WE HAD IN OUR PLANS, THAT WE FOUND
4 AFTER THE BIDDING PROCESS HAD BEEN COMPLETED, THAT WERE GOING
5 TO RESULT IN WHAT WE FELT WERE SIGNIFICANT CHANGE ORDERS, THAT
6 IT WOULD BE IN OUR BEST INTEREST TO REJECT ALL BIDS AND PUT
7 THE PROJECT BACK OUT AGAIN FOR RE-BID.

8

9 **SUP. KNABE:** WOULD IT BE A YEAR DELAY?

10

11 **DON WOLFE:** OUR SCHEDULE WOULD BE TO IMMEDIATELY RE-ADVERTISE
12 AND START CONSTRUCTION IN JANUARY. SO, IN ALL FAIRNESS TO YOUR
13 BOARD, THE ULTIMATE DELAY WE SEE IN THIS PROJECT BY RE-
14 ADVERTISING IS GOING TO BE APPROXIMATELY FOUR MONTHS.

15

16 **SUP. YAROSLAVSKY, CHAIRMAN:** MR. ANTONOVICH?

17

18 **SUP. ANTONOVICH:** LET ME ASK A QUESTION. IF THE DEPARTMENT MADE
19 THE ERROR, COULD YOU DO A CHANGE ORDER THAT WOULD REDUCE THE
20 COST OF THAT CONTRACT WITHOUT HAVING TO GO OUT AND BID? YOUR
21 DELAYING SIX MONTHS OR SO IS GOING TO ONLY ESCALATE OTHER
22 TYPES OF COSTS THAT ARE GOING UP IN THE BUILDING INDUSTRY. SO
23 WE KNOW, IN THE INDUSTRY, THAT COSTS AREN'T DECLINING, THEY'RE
24 INCREASING. I MEAN CEMENT, IRON, METAL, EVERYTHING ELSE THEY
25 PUT INTO THE CONSTRUCTION.



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1

2 **C.E.O. FUJIOKA:** YEAH, IF I CAN INTERJECT SOMETHING.

3

4 **SUP. ANTONOVICH:** AND IF YOU COULD DO A CHANGE ORDER, WHICH
5 REDUCES THE COST AND CONFORMS WITH THE SCOPE THAT YOU HAVE
6 ORIGINALLY WANTED BUT FAILED TO INCLUDE IN THE PROPOSAL, WE
7 COULD MOVE THIS PROJECT QUICKER AND END UP WITH THOSE
8 ECONOMIES. OTHERWISE, YOU'RE GOING TO DOWNSIZE THAT PROJECT
9 AND THE COSTS ARE GOING TO ESCALATE BECAUSE OF THAT TIME
10 DELAY.

11

12 **C.E.O. FUJIOKA:** WHAT I WANTED TO INTERJECT IS, WHEN YOU HAVE A
13 PROJECT WHERE THE DOCUMENTS, ORIGINAL DOCUMENTS ARE NOT
14 CORRECT AND NOT ACCURATE, YOU INVITE NOT ONLY ONE CHANGE ORDER
15 BUT MULTIPLE CHANGE ORDERS. I UNDERSTAND THIS WILL CONSTITUTE
16 A DELAY. I HAVE CONCERNS THAT THESE GENTLEMEN ARE TRYING TO
17 LINK ONE TO ANOTHER PROJECT. THIS PROJECT NEEDS TO STAND ON
18 ITS OWN. WE NEED TO ENSURE THAT, WHEN THE DOCUMENTS GO OUT,
19 THEY'RE THE CORRECT DOCUMENTS AND THAT THOSE WHO BID ON THIS
20 DOCUMENT ARE BIDDING ON THE FINAL DOCUMENTS AND NOT THINGS
21 THAT CAN CHANGE. BECAUSE I GUARANTEE YOU, WE GO DOWN THIS
22 ROUTE, THERE WON'T BE ONE CHANGE ORDER, THERE WILL BE MULTIPLE
23 CHANGE ORDERS. AND THERE'S BE ANOTHER CHANGE ORDER. THEN
24 ANOTHER CHANGE ORDER. THEY SHOULD HAVE BEEN CORRECT IN THE
25 FIRST PLACE. THERE'S NO QUESTION ABOUT THAT. BUT THIS IS THE



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1 TIME TO CORRECT IT, NOT AS WE MOVE INTO THE PROJECT. SO MAYBE
2 DON CAN COMMENT ON THAT AND WHY WE'RE DOING THIS AT THIS
3 JUNCTURE.

4

5 **DON WOLFE:** WE AGREE WITH WHAT YOU JUST SAID. AND ALSO IT'S OUR
6 EXPERIENCE THAT CHANGE ORDERS ARE NOT LESS EXPENSIVE THAN
7 HAVING THE CORRECT INFORMATION IN THE ORIGINAL PLAN DOCUMENTS.
8 AND WE DON'T FEEL THAT WE WILL SUFFER FINANCIALLY AS A RESULT.
9 IT'S TRUE, WE'VE BEEN GOING THROUGH SEVERAL YEARS OF VASTLY
10 ESCALATING PRICES IN MATERIAL AND LABOR BUT THAT'S LABELED OUT
11 DURING THE NEXT TWO OR THREE MONTHS, WE DON'T SEE A HUGE
12 LIABILITY FOR US THERE AS FAR AS THOSE TYPES OF COST
13 INCREASES. WE THINK THAT, AS YOU SAID, WE HAVE TAKEN THE
14 OPPORTUNITY TO GO COMPLETELY THROUGH THE PLANS. WE'VE MADE A
15 LOT OF CHANGES. AND, AGAIN, IF YOU HAVE A SET OF DOCUMENTS
16 THAT ARE FLAWED TO BEGIN WITH, AS THE C.E.O. JUST SAID, THAT
17 IS BASICALLY A RIPE FIELD FOR MULTIPLE CHANGE ORDERS.

18

19 **ARMAND GONZALES:** IF I MAY, EVERY PROJECT HAS CHANGE ORDERS.
20 AND THAT'S THE REASON WHY THERE'S A BUDGET SET UP FOR CHANGE
21 ORDERS. BUT WHAT YOU'RE DOING IS, BY SENDING THIS OUT TO RE-
22 BID, YOU'RE EXPOSING YOURSELVES TO-- AGAIN, THERE HAS BEEN
23 PRICE INCREASES. YOU'RE EXPOSING-- IT'S A \$4.8 MILLION THAT
24 YOU'RE EXPOSING YOURSELF TO PRICE INCREASES VERSUS AN
25 ESTIMATED APPROXIMATELY \$250,000 WORTH OF CHANGE ORDERS THAT



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1 YOU SEE IN THE PLANS. YOU'RE EXPOSING YOURSELF TO A PRICE
2 INCREASE OF 450,000 THE ENTIRE SCOPE OF WORK BEING RE-BID
3 VERSUS \$250,000. SO THE RISK OF A MUCH HIGHER COST INCREASE ON
4 \$4.8 MILLION IS A LOT HIGHER THAN \$250,000.

5

6 **SUP. YAROSLAVSKY, CHAIRMAN:** OKAY, THANK YOU. IS THERE ANY
7 OTHER DISCUSSION?

8

9 **SUP. BURKE:** I'D JUST LIKE TO GET CLEAR THAT THE ERRORS YOU
10 ESTIMATE ARE APPROXIMATELY WHAT? WHAT DO THEY AMOUNT TO? WHAT
11 ARE THEY INVOLVING?

12

13 **DAVID HOWARD:** SUPERVISOR, MY NAME IS DAVID HOWARD, I'M
14 ASSISTANT DEPUTY DIRECTOR WITH PUBLIC WORKS. THERE'S A VARIETY
15 OF ERRORS. THE MOST SIGNIFICANT ERRORS HAVE TO DO WITH THE
16 UTILITIES THAT WE'RE BRINGING IN TO SERVICE THE BUILDING. IN
17 ADDITION TO THAT, THERE'S ERRORS IN SOME DISABLED ACCESS
18 WALKWAY IMPROVEMENTS AND OTHER SITE IMPROVEMENTS. BUT, BEYOND
19 THAT, THERE'S AN ABUNDANCE OF CLARIFICATIONS AND SMALLER
20 ERRORS THAT EACH, ON ITS OWN MERIT, MAY NOT BE SIGNIFICANT
21 BUT, WHEN YOU LOOK AT THE SUM TOTAL, THEY POINT TO A JOB THAT
22 IS NOT GOING TO START HEALTHY. WE BELIEVE THAT THE VALUE OF
23 THOSE IS PROBABLY IN THE ORDER OF 200 TO \$250,000.

24

25 **JOHNATHON DUNN:** MAY I COMMENT JUST BRIEFLY?



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1

2 **SUP. YAROSLAVSKY, CHAIRMAN:** NO. I THINK WE'RE HAVING OUR BOARD
3 DISCUSSION NOW. IN FACT, I'D LIKE TO THANK YOU FOR COMING UP.
4 YOU CAN BE EXCUSED.

5

6 **ARMAND GONZALES:** THANK YOU FOR YOUR TIME.

7

8 **SUP. YAROSLAVSKY, CHAIRMAN:** THANK YOU FOR BEING HERE. MS.
9 BURKE?

10

11 **SUP. BURKE:** AND THESE ARE ERRORS THAT WERE MADE IN THE DESIGN
12 INITIALLY BY THE ARCHITECT, IS THAT IT?

13

14 **DAVID HOWARD:** YES, SUPERVISOR, THAT'S CORRECT.

15

16 **SUP. YAROSLAVSKY, CHAIRMAN:** WHEN DID YOU FIND OUT ABOUT THEM?

17

18 **DAVID HOWARD:** WE FOUND-- WE IDENTIFIED THEM AFTER THE PROJECT
19 HAD ORIGINALLY BID BUT BEFORE WE CAME TO YOUR BOARD TO
20 RECOMMEND AWARDING THE CONTRACT. AND WHEN WE FIRST IDENTIFIED
21 THE ERRORS, I BEGAN TO QUIZ MY STAFF ON THEM. I WAS HOPING
22 THAT THE ERRORS WERE LESS THAN SIGNIFICANT AND WE'D BE IN A
23 POSITION TO MOVE FORWARD. BUT THE DEEPER WE DUG INTO IT, THE
24 MORE SUBSTANTIVE WE DECIDED-- THEY DETERMINED THE ERRORS TO BE



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1 AND REALIZED THAT THIS WAS NOT A PROJECT THAT WAS GOING TO
2 MOVE FORWARD ON A HEALTHY BASIS.

3

4 **SUP. BURKE:** I THINK THAT WE NEED TO WATCH WHAT THIS COMES BACK
5 WITH IN TERMS OF THE BID PRICE. CAREFULLY.

6

7 **SUP. YAROSLAVSKY, CHAIRMAN:** MR. KNABE, DO YOU WANT TO MAKE A
8 MOTION?

9

10 **SUP. KNABE:** YEAH, I MOVE THE RECOMMENDATION TO REJECT ALL BIDS
11 AND ASK THE DEPARTMENT TO EXPEDITE THE RE-BIDDING OF THE
12 PROJECT. BUT, FROM THE 50,000-FOOT LEVEL, I MEAN, THIS IS ONE
13 OF SEVERAL THAT WE'VE HAD TO REJECT RECENTLY. AND I HOPE THAT,
14 WITHIN THE CONFINES OF PUBLIC WORKS, THAT WE'RE WORKING TO
15 IMPROVE THESE DOCUMENTS TO MAKE SURE THIS DOCKWEILER PROJECT,
16 LONG BEFORE THEY EVER BID IT, IT'S DOUBLED IN PRICE. IT'S BEEN
17 GOING ON SO LONG.

18

19 **DON WOLFE:** WE AGREE, SUPERVISOR.

20

21 **SUP. YAROSLAVSKY, CHAIRMAN:** ALL RIGHT. I'LL SECOND. IS THERE
22 ANY OBJECTION? IF NOT, UNANIMOUS VOTE ON ITEM 25. WHAT ELSE DO
23 WE HAVE LEFT?

24

25 **CLERK SACHI HAMAI:** SUPERVISOR KNABE'S ADJOURNMENTS.



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1

2 **SUP. YAROSLAVSKY, CHAIRMAN:** MR. KNABE?

3

4 **SUP. KNABE:** THANK YOU, MR. CHAIRMAN. I MOVE TODAY WE ADJOURN
5 IN MEMORY OF A LONG TIME FRIEND AND ONE OF MY EARLY POLITICAL
6 MENTORS OF 30 PLUS YEARS AGO AND THAT'S MR. FRANK GASDIA.
7 FRANK IS ALSO THE FATHER OF THE HONORABLE BRIAN GASDIA, A LOS
8 ANGELES COUNTY SUPERIOR COURT JUDGE. HE PASSED AWAY RECENTLY
9 AT THE AGE OF 88. FRANK PRACTICED IN DOWNEY FOR MORE THAN 50
10 YEARS, RETIRING IN 2004. HE SPECIALIZED IN COMMERCIAL LAW AND
11 TRIED CASES BEFORE FEDERAL COURTS IN SEVERAL STATES. HE WAS A
12 LONG TIME MEMBER OF THE SOUTHEAST BAR ASSOCIATION, SERVED AS
13 ITS PRESIDENT IN 1962. AND, FOR MANY YEARS, WAS AN ARBITRATOR
14 WITH THE AMERICAN ARBITRATION ASSOCIATION AS WELL AS A TRUSTEE
15 FOR OUR LOS ANGELES COUNTY LAW LIBRARY. HE WAS A LONG-TIME
16 MEMBER OF THE RIO HONDO GOLF COURSE AUTHORITY, THE DOWNEY
17 COMMUNITY HOSPITAL AUTHORITY, FORMER PRESIDENT OF THE LION'S
18 CLUB IN HUNTINGTON PARK AND MEMBER OF THE MORNING KIWANIS CLUB
19 IN DOWNEY AND WAS AN INAUGURAL MEMBER OF CANDLE WOOD COUNTY
20 CLUB IN WHITTIER. HE IS SURVIVED BY HIS WONDERFUL WIFE OF 63
21 YEARS, ELEANOR, HIS SON, BRIAN, AND SISTER, EILEEN AND FOUR
22 GRANDCHILDREN. ALSO THAT WE ADJOURN IN MEMORY OF MONTY DAVIS
23 WHO WAS BORN AND RAISED IN UTAH. HE SERVED AS A NAVY PILOT
24 DURING WORLD WAR II. THEY MOVED TO LONG BEACH IN 1945. HE
25 STARTED HIS AUTOMOTIVE CAREER WITH THE GLEN E. THOMAS COMPANY



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1 AND IN 1968 HE CAME FROM THE PARKS DEPARTMENT AND BECAME ITS
2 SOLE OWNER. HIS INVOLVEMENT IN AUTOMOTIVE AFFAIRS EARNED HIM
3 THE TIME MAGAZINE QUALITY AWARD AND HE WAS INDUCTED INTO THE
4 AUTOMOTIVE HALL OF FAME IN 1996. THE LONG BEACH COMMUNITY HAS
5 BENEFITED THROUGH HIS INVOLVEMENT AS BOARD MEMBER AND
6 FUNDRAISER EXTRAORDINAIRE WITH MANY, MANY COMMUNITY-BASED
7 ORGANIZATIONS IN LONG BEACH. MONTY IS SURVIVED BY HIS WIFE,
8 ARLENE, CHILDREN, BOB, SUSAN, NANCY, 15 GRANDCHILDREN AND 12
9 GREAT GRANDCHILDREN. AND THEN I'D ALSO WANTED TO JOIN, I THINK
10 IT WAS ALL MEMBERS, IN MEMORY OF LOS ANGELES COUNTY
11 FIREFIGHTER, DENNIS CARTER. THOSE ARE MY ADJOURNMENTS.

12
13 **SUP. YAROSLAVSKY, CHAIRMAN:** UNANIMOUS VOTE.

14
15 **SUP. KNABE:** I DON'T HAVE ANYTHING ELSE. OH, YOU KNOW WHAT? MR.
16 CHAIRMAN, I WANTED TO ADD-- YES, I JUST GOT THE EMAIL. BOB
17 MEDINA. FORMER DIRECTOR OF COMMUNITY SENIOR SERVICES PASSED
18 AWAY.

19
20 **SUP. YAROSLAVSKY, CHAIRMAN:** ALL MEMBERS.

21
22 **SUP. ANTONOVICH:** ALL MEMBERS. HE WAS A GOOD MAN.

23
24 **SUP. KNABE:** GREAT MAN.



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1 **SUP. YAROSLAVSKY, CHAIRMAN:** HE RAN THE DEPARTMENT FROM 1984 TO
2 1994.

3

4 **SUP. KNABE:** BOB WAS A GOOD GUY.

5

6 **SUP. YAROSLAVSKY, CHAIRMAN:** UNANIMOUS VOTE IN ADJOURNING IN
7 BOB MEDINA'S MEMORY. ALL RIGHT. PUBLIC COMMENT. WANDA CABIN.
8 PATRICIA MULCAHEY. ZUMA DOGG AND WALTER BECKTEL. MS. CABIN,
9 YOU'RE FIRST.

10

11 **WANDA CABIN:** GOOD AFTERNOON, I DO HAVE SOME FLYERS HERE TO
12 HAND OUT JUST REGARDING THE ISSUES THAT I'M FACING. I'M JUST
13 TRYING TO SKIM IT ALL THE WAY DOWN BECAUSE I KNOW THAT
14 EVERYBODY'S TIME IS VALUABLE HERE. THERE ARE FIVE OF EACH. AND
15 I DO KNOW THAT THERE COULDN'T BE ANYONE HERE THAT WOULD
16 KNOWINGLY LET THIS THING HAPPEN. I WAS HOSPITALIZED IN THE
17 E.R. AND D.C.F.S. JUST TOOK OVER MY LIFE AND TRASHED ME. AND
18 I'M A MAIL CARRIER. I'M A NURSE. I'M A LICENSED PROVIDER. I
19 CAME STRAIGHT OUT OF WELFARE IN SIX WEEKS WHEN I CHECKED UP,
20 GOT BACK TO WORK, MY LIFE WAS ON THE UP STROKE. AND, THE NEXT
21 THING I KNOW, THEY DIDN'T CALL A FAMILY MEMBER, THEY JUST
22 TRASHED ME. THEY LEFT ME THERE TO WHOEVER THEY WANTED TO PICK
23 AND THIS LADY THAT THEY PICKED IS SOME KIND OF NUT CASE. SHE
24 TOOK MY CHILD OUT OF TOWN AND MY CHILD'S BEEN CALLING ME,
25 LIKE, SIX OR SEVEN TIMES TELLING ME HE'S IN TEXAS. WHEN I GOT



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1 CALLER I.D., HE'S CALLING FROM FLORIDA AND HE'S NOT BEING
2 ALLOWED TO SPEAK TO ME. AND MY PARENTAL RIGHTS HAVE NOT BEEN
3 TERMINATED BUT THEY REFUSE TO RETURN THAT CHILD, BASED ON JUST
4 KEEPING HIM. I SAID, FOR WHAT? I'VE DONE EVERYTHING I WAS
5 ASKED TO DO. I DID EVERYTHING THEY TOLD ME TO DO AND THEY'RE
6 DRIVING ME CRAZY BECAUSE I WAKE UP IN THE MIDDLE OF THE NIGHT
7 PALPITATING, WONDERING WHAT'S GOING ON. HOW DID THIS HAPPEN TO
8 ME? I'M A MODEL CITIZEN. I'M GOOD.

9

10 **SUP. BURKE:** SOMEONE FROM CHILDREN AND FAMILY SERVICES HERE?

11

12 **SUP. YAROSLAVSKY, CHAIRMAN:** IS SOMEONE FROM CHILDREN AND
13 FAMILY SERVICES HERE? WILL YOU TALK TO MS. CABIN. THIS
14 GENTLEMAN OVER HERE WILL SPEAK WITH YOU. MISS MULCAHEY?

15

16 **PATRICIA MULCAHEY:** YES. I'M REQUESTING THIS ITEM BE ADDRESSED
17 WITH THE BOARD OF SUPERVISORS. THERE CRIMINALS IN THIS COUNTRY
18 ILLEGALLY ARE IMMIGRANTS THAT HAVE GREEN CARDS THAT COMMIT
19 SEXUAL ABUSE, RAPE, CRIMES AGAINST CHILDREN BE DEPORTED BACK
20 TO THEIR COUNTRY AFTER THE CRIMINALS COMPLETE THEIR JAIL TERM.
21 AND SOCIAL WORKERS WHO COMMIT PERJURY OR FRAUD TO TAKE AWAY
22 CHILDREN OR SOCIAL WORKERS TAKE COVER UP CHILD ABUSE BE FIRED
23 FROM THEIR JOBS. AGAIN, I'M REQUESTING THAT THERE BE A FEDERAL
24 INVESTIGATION INTO WHY SUCH A LARGE NUMBER OF FOSTER WARDS ARE
25 BEING LISTED AS HANDICAPPED OR ATTENTION DEFICIT A.D.D. SO



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1 THAT FOSTER AGENCY AND THE D.C.F.S. WITH CAN GET THE HIGHER
2 FEDERAL RATES FROM THE FEDERAL GOVERNMENT WHICH I DO BELIEVE
3 IS ILLEGAL TO DO. AND THAT THE REGIONAL CENTER RIGHTS THEIR
4 ARMS LETTERS WHEN THEY CLASSIFY A FOSTER AWARD AS HANDICAPPED.
5 AGAIN, I'M REQUESTING A FEDERAL INVESTIGATION INTO WHY THERE'S
6 SUCH A LARGE NUMBER OF FOSTER KIDS BEING LISTED AS
7 HANDICAPPED. AND, AGAIN, WITH THE K.D.A. SETTLEMENT LAWSUIT,
8 I'M REQUESTING THAT THAT ITEM BE HELD IN OPEN SESSION AND NOT
9 BEHIND CLOSED DOORS. SO, AGAIN, LIKE I SAY, I'M REQUESTING A
10 FEDERAL INVESTIGATION TO LOOK INTO WHY THERE'S SUCH A LARGE
11 INCREASE OF FOSTER WARDS NOW BEING LISTED AS HANDICAPPED THAT
12 ARE TRULY NOT HANDICAPPED. AND WHEN THAT COULD BE ADDRESSED, I
13 WOULD APPRECIATE THAT VERY MUCH BECAUSE, AGAIN, I'M REQUESTING
14 THAT THIS BE ADDRESSED BY THE BOARD OF SUPERVISORS. THAT
15 CRIMINALS THAT COMMIT RAPE, SEXUAL ABUSE OR CRIMES AGAINST
16 CHILDREN TO BE DEPORTED BACK TO THEIR COUNTRY AFTER THE
17 CRIMINAL COMPLETE THEIR JAIL TERMS. I ASK THAT THAT BE
18 ADDRESSED.

19
20 **SUP. YAROSLAVSKY, CHAIRMAN:** THANK YOU. ZUMA DOGG.

21
22 **ZUMA DOGG:** YES, THANK YOU. MY NAME IS ZUMA DOGG FROM ZUMA
23 TIMES AND I'D LIKE TO ADDRESS SOME OVERALL COUNTY ISSUES I'M
24 CONCERNED WITH. FIRST OF ALL, I'D LIKE TO REMIND EVERYBODY
25 THAT WE DO HAVE THE 2-1-1 SERVICE. I LOOKED IT UP ONLINE. IT'S



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1 ALSO AVAILABLE ONLINE. ANYTHING HOUSING RELATED, HUMAN
2 SERVICES RELATED. IT'S THE GREATEST ASSET HERE IN THE COUNTY
3 AND YOU SHOULD GIVE A CALL 2-1-1 OR LOOK UP THE WEBSITE. I'M
4 VERY CONCERNED ABOUT THE C.R.A., WE SPOKE ABOUT THAT EARLIER.
5 I THINK THAT THE C.R.A. IS GOING TO END UP BEING THE DOWNFALL
6 OF THIS COUNTY AND STATE. I THINK THE C.R.A. IS BANKRUPTING
7 THE CITY WITH THEIR SHADY DEALS. I DON'T LIKE THE GRAND
8 AVENUE. THEY GOT THE L.A. LIVE. THEY'RE LOANING OUT A LOT OF
9 MONEY, NOW \$50 MILLION FOR THE HOTELS. THEY'RE CLAIMING
10 IMMINENT DOMAIN ALL OVER THE CITY, ESPECIALLY PUEBLOS AND EAST
11 ADELANTO AREA. I DO NOT LIKE THE EMINENT DOMAIN POWERS THAT
12 THE C.R.A. HAS BESTOWED UPON THEMSELVES. AND REGARDING NUMBER
13 ONE ISSUE, CITIZENS ALERT. NONPROFIT ORGANIZATIONS. THE PUBLIC
14 MONEY. FEDERAL GRANT MONEY THAT'S HANDED OUT. YOU KNOW, WE'VE
15 HAD NONPROFITS FOR A LONG TIME BUT I JUST SEE THEM POPPING UP
16 ALL OVER NOW ESPECIALLY WITH AFFORDABLE HOUSING DOWNTOWN WHERE
17 IT'S FRONT END LOADED MANAGEMENT CONTRACTS WHERE YOU HAVE LOTS
18 OF CONSULTANTS AND MANAGERS AND YOU PAY OFF THE RIGHT PEOPLE
19 AND YOU GO TO THE RIGHT ADVOCACY BOARDS AND THEN YOU GET
20 APPROVALS WHEN OTHER PEOPLE DON'T. AND TOO MUCH OF THE MONEY
21 IS FILTERED OFF THE TOP THAT WE DON'T END UP GETTING WHAT WE
22 WANT. WE'RE HAVING A BIG CRISIS DOWNTOWN. I DON'T LIKE WHAT
23 I'M SEEING WITH THE POLICY DOWNTOWN WITH A LOT OF LUXURY
24 SKYSCRAPERS AND BOUTIQUE SHOPS AND FANCY RESTAURANTS. I DON'T
25 SEE THE AMENITIES THAT WE NEED TO RESTORE THE DOWNTOWN AREA. I



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1 DON'T THINK THE PLAN'S GOING TO WORK. AND I KNOW THAT,
2 REGARDING SOME OF THESE DEVELOPMENT PROJECTS, YOU HAVE LOS
3 ANGELES CITY COUNCIL THAT SITS WITH THE C.R.A. AND THEY'RE
4 MAKING STATE DECISIONS OVER PUBLIC LAND REGARDING PARKS AND
5 WHATNOT. AND I KNOW THAT THE CITY COUNCIL IS A LOCAL AGENCY
6 AND THAT IT'S ILLEGAL TO BE MAKING STATE DECISIONS WITH THE
7 C.R.A. IF YOU CAN PLEASE LOOK INTO THAT. AND OVERALL BE AWARE.
8 CITIZEN'S ALERT. WE'RE GOING BANKRUPT BECAUSE OF NONPROFIT
9 ABUSE. THANK YOU.

10

11 **SUP. YAROSLAVSKY, CHAIRMAN:** THANK YOU. WALTER BECKTEL.

12

13 **WALTER BECKTEL:** I WANTED TO FOLLOW UP ON THE 8-5-9-9 THING
14 ABOUT THE ASSAULT THAT HAPPENED ON THE 18TH OF JULY AT THE
15 TRAIN STATION. WHEN I WAS IN HERE LAST, I GAVE ALL FIVE OF YOU
16 GUYS A DOCUMENT. I HAVE SINCE BEEN TOLD TO TALK TO SOME PEOPLE
17 OVER AT THE SHERIFF'S DEPARTMENT. MS. MOLINA WROTE ME A LETTER
18 AND SAID THAT I ONLY WANTED TO BRING THIS TO THE ATTENTION OF
19 THE SUPERVISORS. THAT ISN'T EXACTLY THE GIST OF WHAT I HAD TO
20 SAY. I'M NOT SURE THAT MS. MOLINA GOT A COPY OF THIS
21 CONSTITUENT ASSISTANCE REQUEST FORM. I DON'T KNOW IF YOU EVEN
22 GOT A COPY OF THIS? NOBODY I KNOW HAS INDICATED, ANYBODY I
23 TALKED TO YOU TOLD ME TO TALK TO. SO I'M NOT EVEN SURE YOU
24 EVEN GOT A COPY OF IT. AND WHEN MR. ANTONOVICH SENT ME BACK A
25 COPY OF EVERYTHING I BROUGHT ALL FIVE OF YOU, THIS WASN'T



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1 INCLUDED IN THERE. SO I DON'T KNOW IF YOU GUYS ENDED UP
2 GETTING A COPY OF IT OR NOT. BUT WHAT I HAD TO SAY, THE GIST
3 OF EVERYTHING I WANTED TO TALK ABOUT IS RIGHT IN THIS
4 CONSTITUENT ASSISTANCE FORM. THAT'S THE ONLY THING I WANTED TO
5 TALK ABOUT. BUT IT'S A SERIOUS MATTER. AND I THINK IT'S MORE
6 LIKE AN ALARM KIND OF A THING. YOU REALLY SHOULD SEE WHAT'S
7 GOING ON WITH THAT INVESTIGATION. AND I HAVE A COPY. I HAVE
8 ANOTHER COPY FOR EACH ONE OF THE OTHER FOUR. THERE'S A TOTAL
9 OF FOUR THERE RIGHT NOW BECAUSE MS. MOLINA, SO THERE'S A TOTAL
10 OF FIVE.

11

12 **SUP. YAROSLAVSKY, CHAIRMAN:** OKAY, THANK YOU. CLOSED SESSION.

13

14 **CLERK SACHI HAMAI:** IN ACCORDANCE WITH BROWN ACT REQUIREMENTS,
15 NOTICE IS HEREBY GIVEN THAT THE BOARD OF SUPERVISORS WILL
16 CONVENE IN CLOSED SESSION TO DISCUSS ITEMS NUMBER C.S.-1,
17 C.S.-2 AND C.S.-3, CONFERENCES WITH LEGAL COUNSEL REGARDING
18 EXISTING LITIGATION, ITEM C.S.-4, CONFERENCE WITH LABOR
19 NEGOTIATOR WILLIAM T. FUJIOKA, CHIEF EXECUTIVE OFFICER AND
20 DESIGNATED STAFF AND ITEM C.S.-5, CONSIDERATION OF DEPARTMENT
21 HEAD PERFORMANCE EVALUATIONS AS INDICATED ON THE POSTED AGENDA
22 AND SUPPLEMENTAL AGENDA. THANK YOU.

23

24

25



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1 I, JENNIFER A. HINES, Certified Shorthand Reporter
2 Number 6029/RPR/CRR qualified in and for the State of
3 California, do hereby certify:

4 That the transcripts of proceedings recorded by the
5 Los Angeles County Board of Supervisors September 11, 2007,
6 were thereafter transcribed into typewriting under my
7 direction and supervision;

8 That the transcript of recorded proceedings as
9 archived in the office of the reporter and which
10 have been provided to the Los Angeles County Board of
11 Supervisors as certified by me.

12 I further certify that I am neither counsel for, nor
13 related to any party to the said action; nor
14 in anywise interested in the outcome thereof.

15 IN WITNESS WHEREOF, I have hereunto set my hand this
16 14th day of September 2007 for the County records to be used
17 only for authentication purposes of duly certified transcripts
18 as on file of the office of the reporter.

19

20 JENNIFER A. HINES

21 CSR No. 6029/RPR/CRR

22

23